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ISSN 1710-9477

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 8 March 2016

Journal des débats (Hansard)

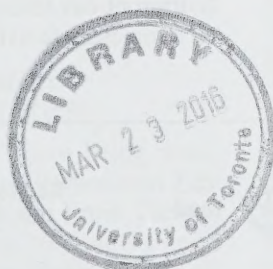
Mardi 8 mars 2016

Standing Committee on Social Policy

Supporting Ontario's
First Responders Act
(Posttraumatic Stress
Disorder), 2016

Comité permanent de la politique sociale

Loi de 2016 d'appui
aux premiers intervenants
de l'Ontario (état de stress
post-traumatique)



Chair: Peter Tabuns
Clerk: Valerie Quioc Lim

Président : Peter Tabuns
Greffière : Valerie Quioc Lim

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 8 March 2016

Mardi 8 mars 2016

*The committee met at 1600 in committee room 151.*SUPPORTING ONTARIO'S
FIRST RESPONDERS ACT
(POSTTRAUMATIC STRESS
DISORDER), 2016LOI DE 2016 D'APPUI
AUX PREMIERS INTERVENANTS
DE L'ONTARIO (ÉTAT DE STRESS
POST-TRAUMATIQUE)

Consideration of the following bill:

Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to posttraumatic stress disorder / Projet de loi 163, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail et la Loi sur le ministère du Travail relativement à l'état de stress post-traumatique.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. This meeting is called to order to resume consideration of Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to posttraumatic stress disorder.

Pursuant to the order of the House dated Wednesday, March 2, 2016, each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee, or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 163 and to keep them brief in order to allow maximum time for the witnesses to respond, and please lean into your microphones. Sometimes we're not picking things up, and for Hansard it's a lot better if the sound quality is high. Are there any questions before we start?

ONTARIO PROFESSIONAL
FIRE FIGHTERS ASSOCIATION

The Chair (Mr. Peter Tabuns): There being none, I'll call the first witness: The Ontario Professional Fire Fighters Association. Carmen Santoro and Ernie Thorne, welcome. As you heard, you have up to 10 minutes, and I need you to introduce yourselves for Hansard. It's all yours.

Mr. Carmen Santoro: Thank you, Mr. Chairman. Good afternoon, ladies and gentlemen of the committee. My name is Carmen Santoro and I am president of the Ontario Professional Fire Fighters Association. With me today is our executive vice-president, Ernie Thorne. We are pleased to join you this afternoon to comment on Bill 163.

The Ontario Professional Fire Fighters Association represents approximately 11,000 professional firefighters in 80 locals throughout the province. Affiliated with the International Association of Fire Fighters, the OPFFA has evolved into an organization whose primary purpose is to provide professional firefighters with the highest level of service and expertise to assist them in all aspects of their professional lives.

The OPFFA is pleased to appear before the standing committee to express its support for the passage of Bill 163. Firefighting emergencies may pose differing psychological demands. Firefighters have a high probability of being exposed to a variety of traumatic events, and regularly experience situations of intense emotion: dangerous fires, collapsing buildings, the suffering of burn victims, automobile accidents, suicide attempts, dismemberment and death. Such events come with the territory for first responders.

It is not unreasonable to understand that such repeated exposure to adversity may, over time, take a psychological toll, challenging even the most seasoned firefighters. With this bill, the Ontario Legislature is recognizing what firefighters have known for some time: Taking care of one's own mental health is equally as important as physical health.

First responders are more than twice as likely as the general population to suffer from PTSD. Given that traumatic exposure is common among firefighters, it is not surprising that high rates of PTSD have been found. Studies have found that anywhere between approximately 18% and 30% of firefighters meet the criteria for a diagnosis of PTSD.

Creating a presumption that PTSD is a work-related injury will allow firefighters, and all first responders, to focus on treatment and recovery rather than having to expend their energy—physical and psychological—establishing the validity of a claim before the WSIB. Acknowledging that repeated exposures over the course of time can result in a diagnosis, and recognizing that

PTSD is the result of occupational exposure, are significant steps in the right direction.

Historically, firefighters have been characterized as brave and stoic, so PTSD wasn't a topic that was discussed or even recognized in the past. Talking about mental health issues in the fire hall was not always the norm, but awareness of PTSD in recent years has helped firefighters recognize the effect trauma can have. Together, along with developing a supportive environment including appropriate awareness, education and an emphasis on timely treatment validates PTSD as a real injury. Greater awareness is helping to move PTSD out of the shadows and helping to reduce the stigma attached to this illness.

I am particularly encouraged that the bill will apply to all professional firefighters as defined by the Fire Prevention and Protection Act, which includes not only front-line firefighters but also fire prevention officers, communication officers and dispatchers.

I am also especially pleased that the legislation requires that a diagnosis of PTSD be based on the DSM-5 manual. While I am not a psychiatrist or a psychologist, I am told that the DSM-5 criteria are the gold standard of diagnostic tools and will help first responders who are struggling with PTSD.

Finally, I want to commend the government for ensuring that first responders who have pending claims will be covered by this legislation.

However, there are some areas of the bill that concern us, and I would be remiss if I did not draw them to the committee's attention.

Section 14(9): First, although it is our understanding that all pending claims will be adjudicated under the proposed legislation, our concern is for those first responders who have been diagnosed prior to the 24-month limitation period. We would ask the committee to consider extending the limitation period in order to ensure a broader group of first responders will be covered.

Fire departments across Canada have seen an increase in post-traumatic stress disorder symptoms among firefighters, and as a result, greater advocacy efforts are being undertaken to draw attention that more needs to be done in the area of mental health. However, accurate statistics regarding how big an issue this really is are hard to come by.

Section 14(5): It is our understanding that the intent of the legislation is not to prejudice any first responder on the basis of a prior denial. For those first responders who have a previous claim for PTSD which had been denied, we would ask that the provisions of the legislation be reviewed and clarified to ensure that coverage is provided for any new or pending claim of PTSD regardless of any prior history of claim denial.

Section 14(7) of the bill provides that a worker is not entitled to benefits under the WSIB if it is shown that the PTSD was caused by his or her employer's decisions or actions relating to the worker's employment. This section is very ambiguous, and may likely lead to claim disputes. Those disputes would only result in a delay for the

claimant in receiving the treatment and assistance that this legislation was designed to provide expeditiously.

In our view, it will be very difficult to draw a "bright line" distinguishing PTSD that is not related to or is related to the worker's employment. In many cases, the underlying cause of the PTSD is multifaceted and cumulative, and it may well be impossible to try to draw the line of distinction the legislation proposes.

Actions by an employer may compound the effects of the exposure experienced by the claimant, even if unwittingly, and responses by employers to concerns raised by claimants who have not been diagnosed could cause those claimants to feel abandoned or otherwise unsupported by their employer, thereby complicating their condition. We feel that PTSD resulting from a workplace decision is still a workplace injury. We believe that this section should be removed from the bill.

Section 9.1(3) of the Ministry of Labour Act says that the ministry may require employers of employees covered under the proposed legislation to provide information to the minister relating to the employer's plans to prevent post-traumatic stress disorder arising out of and in the course of employment at the employer's workplace.

Given the government's announcement of a comprehensive strategy to address PTSD in first responders, we feel it is extremely important for municipalities and other employers to develop action plans that are both proactive and made publicly available.

Employers are already required to train employees on items such as material safety data sheets, which ensure that employees are aware of hazardous materials. They must also create workplace harassment programs and ensure that employees are trained to understand workplace policies and procedures. Presumptive coverage is critical for firefighters who suffer from PTSD, but it addresses the post-event.

We are supportive of a requirement for employers to create and publicly post plans and/or programs to prevent post-traumatic stress disorder arising out of and in the cause of employment.

We would ask that employers be required to develop and publicly post these PTSD prevention plans within 12 months of the passage of the bill.

To conclude, thank you for the opportunity to share the OPFFA's position on Bill 163. As I said in my opening, we are very pleased with the all-party support offered to address PTSD in Ontario's first responder community.

I would like to take a moment to thank Minister of Labour Kevin Flynn, Minister Naqvi and of course MPP Cheri DiNovo for her tenacity over the years in moving this issue forward.

Trauma affects people in different ways. With firefighters, we know our members can suffer from the cumulative effects of the work that we do.

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We think that Bill 163 is a very positive step in the right direction, recognizing that PTSD can arise from a

single, critical incident to prolonged and ongoing exposure. We believe our comments can only improve this legislation and allow it to accomplish more fully its intended objective.

I'd be pleased to take some questions.

The Acting Chair (Ms. Cindy Forster): Thank you, Mr. Santoro. Ms. French, from the NDP, three minutes for Q&A.

Ms. Jennifer K. French: Thank you both very much for coming and certainly for all the work that you've been doing for your members.

I have a couple of questions for you. You didn't mention it, but just so that we can confirm, are there any classifications within your ranks that are not captured by this piece of legislation?

Mr. Carmen Santoro: I believe all ranks are captured.

Ms. Jennifer K. French: Okay, thank you. You had also mentioned, with the 24-month window of time, the need to extend that time limit. Do you have a specific time limit in mind?

Mr. Carmen Santoro: To answer honestly, we don't have a specific time limit in mind, because no matter what time limit we put on it—just to throw up a number of five years, then someone with five and a half years is not going to be included. So we're just refraining from maybe picking a number there, but we'd like to see it extended.

Ms. Jennifer K. French: Okay. Something else: As you had highlighted, your members have spent a lot of time obviously at prevention—it's part of what you do—and material safety plans or various policies and procedures and training plans. I take your point on wanting the government to actually commit to require prevention plans. What could that look like? I know in the piece of legislation it says that if the government decides to require, and they may. There's nothing set in stone. What would your recommendations be?

Mr. Carmen Santoro: I think it's imperative that the government makes it mandatory for employers to provide those plans and post them publicly. It's no different than the harassment plans that we have or, like I mentioned, the hazardous material plans that we have. PTSD is a workplace injury, and we want to do everything we can to prevent that injury. An employer should be doing the same thing. A plan in place, and education, would help accomplish that.

The Acting Chair (Ms. Cindy Forster): Thank you. Government: Ms. McGarry, three minutes.

Mrs. Kathryn McGarry: It's a pleasure to have you here today. As a former critical care nurse, I worked very closely with the first responders bringing me the patients from the field. I know first-hand what first responders are dealing with.

As you said in your remarks, very often it could be one traumatic experience or it could be the straw that broke the camel's back, an incident that on its own wouldn't have necessarily affected a member but in this way it really does.

I also wanted to say I'm fairly encouraged with what your organization is doing for its 11,000 members in terms of trying to reduce the stigma and making it easier for the members to speak out.

One of the things I just wanted to ask you a little bit more about is the prevention plan that you've been mentioning and how you feel this will help address the PTSD issues with your members.

Mr. Carmen Santoro: Like I mentioned in my comments, the fire hall is a place dominated by bravado. A lot of the firefighters are afraid to come forward and say they've had an incident that bothers them. Through our awareness program, we have a stand-alone health and safety conference that we host every year. Over the last three, four or five events, we have made PTSD and prevention very high on our list of education at that health and safety seminar.

Mrs. Kathryn McGarry: Thank you. I know that, with your 11,000 members now, it has been an issue. That's why you're here speaking in support of the bill. Can you walk us through what it's like for one of your members right now, or just prior to this proposed legislation, to make a PTSD claim from WSIB?

Mr. Carmen Santoro: What's happening is that there are first responders who have filed claims and have had to validate specific emergency response calls that they attended and what they saw and relive the entire event again and again and again. I think that just compounds the problem.

Adding this as a presumptive would help immensely.

Mrs. Kathryn McGarry: So you think that the proposed presumptive legislation that we're putting through is really the right road to go down?

Mr. Carmen Santoro: It's absolutely the right road to go down. It's going to save a lot of lives. It's going to prevent PTSD from happening. At the end of the day, we don't want any of our members diagnosed with PTSD; we want to be able to prevent that injury.

Mrs. Kathryn McGarry: Do you have a system right now of critical incident debriefing that you utilize?

Mr. Carmen Santoro: We do. There are some locals out there that have been progressive. I can name the Mississauga local that has some peer training within their peers there, and they've actually offered to use their team to go out to different surrounding locals.

The Acting Chair (Ms. Cindy Forster): Thank you.

Mrs. Kathryn McGarry: All right. Thank you.

The Acting Chair (Ms. Cindy Forster): Official opposition: Mr. Coe. You have three minutes.

Mr. Lorne Coe: Thank you, Madam Chair. Through you to the delegation, thank you very much and good afternoon to your delegation.

You spoke in your delegation, on page 3, about the importance for municipalities and other employers to develop action plans. What components do you think need to be reflected in those action plans, particularly as it relates to municipalities?

Mr. Carmen Santoro: I think for the municipalities, it has to be a joint venture with the employees, no

different than any other health and safety matter that's dealt with in the workplace. There's always a joint responsibility with the employer and the employees. So I think, working together, that we should be able to come up with a plan that will prevent this injury, just like every other physical injury that we have.

The biggest part is that those who are affected get immediate counselling—that has to be a priority—and to remove the stigma and just to be able to have that awareness and conversation.

Mr. Lorne Coe: Thank you for that answer. Second question, Madam Chair, through you: In a different area, you talk in your delegation about the importance of awareness and education. To what extent does that carry through beyond your members, to their families?

Mr. Carmen Santoro: I think it really is a family issue. We take this stuff home and it affects our home life. There have been documented cases of family issues as a result of PTSD and the trauma from work, and I think it has to be a joint effort. It has to be an entire family working together to try to overcome this injury.

We have some employee assistance programs in place, but at times it doesn't go far enough, and I think this legislation will help us.

Mr. Lorne Coe: Thank you, Madam Chair.

The Acting Chair (Ms. Cindy Forster): Thank you very much for your presentation.

Mr. Carmen Santoro: Thank you for your time.

ONTARIO NURSES' ASSOCIATION

The Acting Chair (Ms. Cindy Forster): We'll call upon the Ontario Nurses' Association for the next presentation.

Good afternoon. Would you please state your names for the record, please?

Ms. Erna Bujna: Erna Bujna of the Ontario Nurses' Association.

Mr. Lawrence Walter: I'm Lawrence Walter, government relations officer.

The Acting Chair (Ms. Cindy Forster): Good afternoon. You have 10 minutes for your presentation.

Ms. Erna Bujna: Thank you, and good afternoon. I'm Erna Bujna, a health and safety worker's compensation specialist for the past 16 years at the Ontario Nurses' Association, ONA. With me today is Lawrence Walter, ONA's government relations officer.

ONA is Canada's largest nursing union, representing 60,000 registered nurses, RNs, and allied health professionals, as well as more than 14,000 nursing student affiliates providing quality patient care each and every day across the health care sector.

While ONA supports the government's efforts to move forward with presumptive legislation for post-traumatic stress disorder, or PTSD, ONA must express our disappointment with the government for excluding front-line nurses from coverage under Bill 163. This exclusion ignores both the growing experience of nurses with extremely violent and traumatic incidents in their

workplace, and the findings in the literature showing that the traumatic experiences that nurses face at work are closely linked with PTSD. ONA is calling on the government and the standing committee to adopt the model used in Manitoba's recent presumptive legislation, the leading province on presumptive legislation regarding PTSD.

Manitoba is the first province that does not limit the occupations eligible to make a worker's compensation claim for PTSD, clearly includes nurses, and the Manitoba legislation presumes PTSD is the result of workplace trauma, unless proven otherwise. At a minimum, nurses must be included as an occupation covered under Bill 163.

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Bill 163 excludes coverage for predominantly female occupations in health care, such as nurses, and provides entitlements solely for first responder, male-predominant occupations. Yet nurses are recognized as first responders under the 2013 legislation that proclaimed May 1 as First Responders Day in Ontario.

We ask: Why exclude nurses considering that health care occupations are a leader in lost-time claims for violence-related injuries? Eleven per cent of health care lost-time injuries are from workplace violence. There were 680 lost-time injuries in 2014, up from 639 in 2013. This is especially unacceptable in a workplace culture of acceptance where the incidence of violence and harassment, including sexual harassment, will not soon end, and with the mental trauma and injury that naturally flow from these and other health care psychosocial hazards, including exposure to infectious diseases such as SARS and Ebola.

In fact, Dr. John Bradford, a renowned forensic psychiatrist, has corresponded with ONA to state his expert opinion. It is incredulous to Dr. Bradford that nurses would not be covered under Bill 163. Dr. Bradford argues that nurses are in more front-line situations of exposure to trauma than many first responders. Secondly, Dr. Bradford argues that first responders are exposed to acute events that are usually easier to recover from, even in the case of repeated exposure to these types of acute events, whereas nurses are much more likely to be exposed to chronic trauma, which is more subtle and becomes chronic PTSD. This is more difficult to treat in the longer term.

We agree that nurses at a minimum must be covered under Bill 163 as a result of the day-to-day traumatic incidents and carnage of violence, sickness, suffering and death that all nurses in all areas deal with every day.

A comprehensive 1996 Manitoba study of PTSD among nurses includes violence at work as one of the most commonly cited stressors that lead to PTSD. Others include death of a child, particularly due to abuse; treating patients who resemble family or friends; death of a patient or injury to a patient after undertaking extraordinary efforts to save a life; and heavy patient loads.

There appears to be a disconnect in the minister's announcement for establishing a workplace violence

leadership table in Ontario in which they recognize workplace violence as a serious hazard. However, at the same time, the Minister of Labour has introduced presumptive PTSD legislation that excludes nurses from the very piece of legislation that can at least provide nurses with early medical treatment and compensate nurses for lost wages resulting from psychological illnesses sustained from the acknowledged violence and traumatic events in their workplaces. Why is treating and compensating nurses when the health and safety system in their workplace fails not important to the Minister of Labour?

It is estimated that 14% of all nurses exhibit some type of PTSD symptom—four times higher than the general adult population. As many as 25% of critical care nurses and 33% of emergency nurses have screened positive for PTSD symptoms. In studies in Manitoba, medical services nurses experienced a PTSD prevalence of 34.8%. In a replication study of RNs working in emergency and in intensive care units, the analysis revealed a PTSD prevalence of 42.1%. In a 2005 study from the University of British Columbia of 107 hospital emergency nurses, 21.7% reported clinically significant post-traumatic stress symptoms.

The work events most frequently cited as traumatic were involving assault or threats of assault and events involving severe injuries to children. Other triggers were events involving or reminding of family or friends, traumatic medical events such as excessive bleeding or prolonged resuscitation followed by death, and multiple simultaneous traumatic events.

In a further study, all nurses who met the diagnostic criteria for PTSD experienced traumatic events, including witnessing patient death, massive bleeding, open surgical wounds, trauma-related injuries, and performing futile care to critically or terminally ill patients.

The Ontario Hospital Association reports more than 6,400 incidents of workplace violence in Ontario in 2015. For 2013-14, a report from a Toronto hospital shows there were 502 violent incidents reported, of which 297 involved RNs. At a Toronto mental health facility, 514 reports of violent incidents were documented in that year. That is over 1,000 violent incidents in two Toronto hospitals. These are reports of violent incidents where agitated patients are biting, scratching, spitting, stabbing and punching nurses. Nurses are being beaten beyond recognition, punched in the face, in the chest, in the stomach. They're kicked—bones are broken—tackled and assaulted.

One nurse had her finger amputated in a violent assault by a patient. Another nurse, screaming for help, was dragged from the hospital, out toward busy Toronto oncoming traffic, only to be saved by construction workers who heard her screams for help over their jackhammers.

Let me conclude with three other horrific examples from ONA WSIB cases. Nurses from a large eastern Ontario hospital witnessed and were part of a code white where a worker was grabbed, thrown up against a shadow box, fell unconscious and was beaten and

punched repeatedly while nurses tried desperately to get the patient off their co-worker before the patient killed the nurse. The nurses subsequently suffered PTSD, lost time and had the lost time denied by the WSIB.

A nurse was grabbed by the neck by a patient. The patient flung her to the ground and was about to hit her face with a punch, while hanging her upside down, when a porter stuck a hand between her face and the patient's fist and blocked the hit. This nurse was denied PTSD by WSIB, but eventually won on appeal many years later. The nurse could never return to her unit. No nurse who suffers such a personal injury should have to go through this process.

A patient in a Toronto hospital grabbed a nurse and locked her in a visitors' room. The patient said that, first, he was going to beat her, then he was going to rape her and then he was going to kill her. The patient did beat her beyond recognition while others watched helplessly and could not get in the room. The patient started to rip off the nurse's clothes. The nurse believed she would die. A co-worker was able to break into the room and saved her life. This nurse will never return to work.

These examples of traumatic events experienced by nurses should never happen in our health care workplaces, but they do. Nurses should not have to continually relive these horrific and traumatic events to prove entitlement to WSIB benefits.

We ask the standing committee and the government to make sure this never occurs again by including nurses in Bill 163. We ask that Bill 163 also include physicians as being able to make a PTSD diagnosis, especially since early recognition and treatment are key to prevention and ever being able to return to work. Thank you.

The Acting Chair (Ms. Cindy Forster): We'll start with the government. Mr. Colle.

Mr. Mike Colle: Thank you for a very difficult presentation. How many cases, or how many appeals, by nurses go before the WSIB in a year? Any data on that in the last couple of years, or the last year you have? How many applied for—

Ms. Erna Bujna: As the firefighter said, it's very difficult for them to come forward. We know that we have a large percentage of claims, as well, that are going before—I can't say the actual amount. The interesting thing is that we try to check with the WSIB how many are actually being denied, and surprisingly, they don't make that data available.

Many of the nurses, if they do actually file claims, don't necessarily come to us to assist them in the appeal. They may appeal themselves or they may go elsewhere, but I can tell you that I personally have done workers' compensation appeals and they have been denied.

It's not just workplace violence; it's also exposure to chemicals. We had a nurse who was exposed to glutaraldehyde, a chemical, and she thought—not thought, but she saw her patients dying off sooner because of this chemical exposure. Anyway, she thought she was going to die. That claim took 10 years to allow at the WSIB, and having to relive—she can't step foot on the property of that hospital as a result of that incident.

Another nurse in community was in a head-on car collision, rolled her car down a hill and could never get into a car again. We had to fight, and we won that claim as well for PTSD. The SARS nurses, who heroically protected the public from SARS and filed claims, all had their claims for PTSD denied at the WSIB when the WSIB gave employers in the province who dealt with SARS a break on their experience-rating claims.

1630

Mr. Mike Colle: Yes, I remember I got a call from a nurse in my riding who was in the SARS unit at North York General. She told me how she was exposed to SARS without protection, and she went to her supervisors and she wasn't getting any kind of support from them. I remember talking to the Toronto Star about it at the time.

I just wanted to ask: With all this horrific violence that is occurring, is this an increase? And why the increase? There seem to be very incredible levels of hostility in the workplace. What's happening there?

Ms. Erna Bujna: I think we've got a mental health crisis out there, so the sickest of the sick are coming into our workplaces, with respect to workplace violence. You have to either be a risk to yourself or to the public in order to actually get treatment and be formed in a hospital. The early treatment centres that used to exist—where people could get early treatment—aren't there, so they're coming into our facilities now.

Mr. Mike Colle: A lot of them are really the result of people that have existing mental health issues that border on violent tendencies?

Ms. Erna Bujna: I would say it's both. It's not just mental health. I would hate to even try to stigmatize that. It's both. We have got people angry at wait times. You're talking about people who are seeing their loved ones possibly dying in front of them. They want service, and they want it then. Yet the nurses have to triage, based on—

Mr. Mike Colle: They take it out on the nurses that are trying to help.

Ms. Erna Bujna: Absolutely. They're exposed to code blues. They see babies being brought into the emergency, babies being brought into the ICU, babies who are dying, who have been physically assaulted and then die before them, and the grieving parents. It's awful, what they have to experience, and it's just repeated over and over and over again.

Mr. Mike Colle: Or witnessing a stillbirth, as a nurse.

Ms. Erna Bujna: Exactly.

Mr. Mike Colle: Yes. Okay, thank you very much for your presentation.

Ms. Erna Bujna: Thank you.

The Chair (Mr. Peter Tabuns): Thank you. Any other government questions? You've got about 40 seconds. No? Okay, we go to the official opposition: Ms. Martow.

Mrs. Gila Martow: Thank you very much. I really appreciate your heartfelt presentation. I know that's very hard.

I think you alluded a little bit, with the member opposite, that the stress doesn't just come from being assaulted but, as nurses, from what you have to see in terms of violence against patients, but also in terms of just patients who, unfortunately, meet with an accident or an illness.

We heard yesterday some data that some of the first responder groups had done in terms of the number of post-traumatic stress incidents in their membership versus the general population. Do you have anything to share with us? Because, in my opinion, the nurses—it's a pretty stressful job, and let's leave it at that.

Ms. Erna Bujna: The literature that we referred to is in our submission as well. You can see that there is numerous literature that deals with post-traumatic symptoms in nursing, so I don't think that anyone could dispute the actual literature that is out there.

As I said, I have personal experience at ONA, dealing with the nurses who have actually had cases denied. We've got several examples of that as well in our submission.

To have to relive over and over and over—we had a nurse stabbed at a workplace recently, and people had to witness that. We had a shooting at one of the hospitals, and the nurses were scrambling to save the little kids and the patients in the emergency room. I sat across the table from those people. They have all filed WSIB claims for that.

Right now, we're just waiting to see what is going to happen. I'm anticipating that those are not going to be allowed. We couldn't even get the Ministry of Labour in there to protect them. It was very difficult to actually deal with that. But they've filed these claims. We already know; we can anticipate which claims are going to be denied, and those are typical of the types of claims that are denied.

Mrs. Gila Martow: In terms of the timing, right now the focus has been on the 24 months. Do you have any comments on the time frame for claims or for symptoms?

Ms. Erna Bujna: I absolutely agree with the last speaker. Just based on my experience of doing WSIB claims and how long it can take to manifest PTSD—and particularly for our members, it can take years for it to manifest. We were just talking about this before we came, and I thought that 24-month mark is not right. I would highly recommend not putting a limitation on it. I know that you're probably thinking there needs to be, but definitely extend it, as the previous speaker said. I would not go any less than five years.

Mrs. Gila Martow: Thank you.

The Chair (Mr. Peter Tabuns): Now to the third party. Ms. French.

Ms. Jennifer K. French: Thank you very much for your presentation. I certainly appreciated your passion, and on this International Women's Day I also appreciate that you pointed out that nursing is a predominantly female profession, and here we have a group that has been recognized on the official First Responders' Day in Ontario but not included in this piece of legislation, which I think is a mistake. Certainly, we appreciate

where you're coming from and will push to have you included under this presumption. It's interesting and positive that correctional nurses have been included, which is great, but to expand that to all of our first responders, all of our nurses.

Thank you also for expanding on just how traumatizing, not just retraumatizing, the WSIB process is, in and of itself. I think that's an important thing for the government to take away from this whole process, so that when you are covered by the presumption, hopefully there will be others still making their way through the system. Thank you for advocating on their behalf as well.

Are there Ontario studies—you mentioned Manitoba, which is also a province with presumptive legislation that covers all front-line workers. Are there Ontario studies we can draw from for statistics for nursing?

Ms. Erna Bujna: For statistics? Well, ONA actually did a survey, not on PTSD but just on workplace violence. This was in 2009. During that survey, 54% of our members actually indicated that they had been physically abused.

Ms. Jennifer K. French: And is that something you have provided to the government in this submission?

Ms. Erna Bujna: It's in our Have a Say. I don't know if it is in the submission—

Ms. Jennifer K. French: I'm sure they would appreciate having Ontario numbers.

Ms. Erna Bujna: —but it's so widely accepted that the government established a workplace violence leadership table in health care. So I don't know that we have to even prove it anymore. Why would both the Ministers of Labour and Health have established this table if it wasn't recognized?

The Chair (Mr. Peter Tabuns) Ms. Forster.

Ms. Cindy Forster: Why is it that you think the government didn't include nurses as part of this bill? Is it because there were 1,000 violent incidents just in Toronto hospitals in a one- or two-year period? Is it because there would be too many people coming forward rightly claiming PTSD?

Ms. Erna Bujna: I think both. It's a female-dominated workplace, and we seem to see so much emphasis on construction and mines, all the male-dominated workplaces, and yet the female-dominated workplace—it's like it's accepted that being beaten up is part of the job. So I definitely think both. It makes no sense to me that the government is saying in one breath that they are supporting nurses, that they understand the extent of the problem in health care and that they know something needs to happen, and yet in another breath they are not willing to compensate the female-dominated workers in these workplaces. That makes no sense.

The Chair (Mr. Peter Tabuns) I'm sorry to say that you're out of time. Thank you very much for the presentation.

MS. DANIELLE Du SABLON

The Chair (Mr. Peter Tabuns) Our next presenter is Danielle Du Sablon. As you've heard, you have up to 10

minutes to present. After your presentation, each party will have three minutes to ask questions. If you'd start by introducing yourself for Hansard, and then just take it away.

Ms. Danielle Du Sablon: My name is Danielle Du Sablon, and I am a probation and parole officer. I'm here today to discuss our exclusion from Bill 163.

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The way in which my role is defined depends on whom you ask. As I have sat shoulder with police, fire and paramedics in discussions on panels about post-traumatic stress disorder, I was considered a first responder. In the academic studies on PTSD, I am routinely referred to as a correctional professional, a high-stress service provider or someone working in a high-trauma profession.

What I know for sure is that I am a member of law enforcement, I am a peace officer and I'm a helping professional. I work with the very same offenders who have been arrested by police for committing horrendous acts, the very same violent offenders who are held in our correctional facilities but eventually released to the community.

What I also know for sure is that the DSM-5 is very clear on its diagnostic criteria for PTSD. Both direct traumatic exposure, such as experiencing or witnessing traumatic events first-hand, and indirect traumatic exposure, such as reading or hearing about horrific or traumatizing events, can lead to the development of PTSD. Trauma, in both of these forms, is an everyday reality for probation and parole officers.

I have been a probation and parole officer with the Ministry of Community Safety and Correctional Services for 10 years. I have been exposed to direct trauma on many occasions. I would like to thank Ms. Jennifer French for mentioning one of my letters on February 29 that detailed some of my experiences.

As you will see in a document in your package titled Trauma Exposure in Community Corrections, I experienced the loss of five clients to suicide and overdose in one year alone. On several of those occasions, I had spoken with the client the day before, and in one of those instances it was suggested to me that my decision to lay a charge resulted in the offender's death.

You will read about the many times that I have received telephone calls from clients who were in the process of attempting suicide and how I identified their location and arranged for an ambulance. It happens almost every year.

I work with victims of domestic violence and sexual assault. Building relationships with victims who are generally untrusting of the criminal justice system is part of my job. Through that process I have witnessed domestic violence victims battered, bleeding and bruised as they've attended my office unannounced and in crisis. I have sat and discussed with young children as they've sobbed and disclosed to me that they've been sexually abused at the hands of a family member.

I have been stalked. I have been threatened. I have been charged at by large male offenders. I have found

sexually suggestive notes on my car windshield as it sat in my work parking lot. I have attended offenders' homes where there have been guns in the house. On one occasion, the offender shot himself moments after I left.

These experiences are considered direct traumatic exposure under the diagnostic criteria for PTSD in the DSM-5. While many are shocked by the disclosure of some of my experiences with trauma, I am certainly not the exception in my profession and I am most definitely not alone. As you heard from my colleague Scott McIntyre yesterday, and as you will see in your package amongst the various academic articles that support my position, the data collected by Lewis, Lewis and Garby noted that 30% of the 154 probation officers in Ontario that were surveyed had been exposed to four or more primary traumatic events throughout the course of their work. Of those officers, 10% were assaulted, 69% were threatened and 19% received death threats.

Even more prevalent amongst probation officers is our indirect exposure to trauma. As you will see in your package, 59% of the 151 Ontario probation officers surveyed experienced four or more secondary traumatic events. Indirect exposure, or secondary trauma, for a probation officer means working with a traumatized population. Offenders didn't find themselves in contact with the criminal justice system because they had the benefit of positive and supportive upbringings; most come from a trauma background with significant histories of verbal, physical and sexual abuse.

As you will read in the article that's titled Compassion Fatigue: Coping with Secondary Traumatic Stress in Those Who Treat the Traumatized, the process of empathizing with a traumatized person—which is what we do—allows us to understand that person, but through that process we too may become traumatized.

A large part of my job is to assess and manage risk. This means delving deep into the psyche of offenders and discussing their traumatic histories and their struggles with addiction and mental illness. It means working with sex offenders, discussing deviant sexual fantasies and reading police reports and victim impact statements that detail gruesome sexual assaults. Imagine, for a moment, what that is like every single day.

It means preparing pre-sentence reports for the courts on offenders who have committed murders and will likely never see the light of day. To do that, we interview those offenders and we interview those victims' families.

We provide testimony at dangerous offender hearings, which also means that what we do and what we say could potentially result in a particular individual being incarcerated indefinitely. Courts rely on a probation officer's recommendations when they impose a particular sentence on an offender. The parole board relies on our recommendations when they determine whether or not a person is safe to be released into the community.

We're held to a very high standard and in many ways are seen as being responsible for the actions of the offenders under our supervision. Sometimes, our offenders make bad decisions. Sometimes, they revictimize and

commit serious offences while under supervision. For an officer, this means that every single case management decision is scrutinized. We're asked questions about whether or not there was anything that we could have done to prevent a horrific event from taking place. This is a very heavy psychological burden to bear.

I would like to thank Ms. Cindy Forster for her mention on February 22 of the stress and trauma associated with the triple homicide committed by a probationer in eastern Ontario. Imagine, for a moment, what that was like for the supervising officer. Imagine having to testify at that inquest. This is secondary trauma.

For many of us, these types of events change who we are as professionals, and for some of us, it changes who we are as people. These are examples of indirect traumatic exposure in the DSM-5 criteria for PTSD. These are the realities of a probation officer's work.

While I continue to enjoy my job, it has most certainly come at a cost. I have been fortunate enough not to develop PTSD, but with my level of exposure to both direct and indirect trauma, I very well could have. Instead, I was diagnosed with an anxiety disorder. The year was 2010—the very same year that I lost those five clients to overdose and suicide.

Some of my colleagues are battling PTSD today. Many of them are in a place where they're not able to openly discuss their experiences because it forces them to relive the trauma. They are the reason that I am here today.

Whether you chose to define me as a first responder, a high-stress service provider or a correctional professional, please know that I am a member of law enforcement. I am a peace officer. While I may work in plain clothes and drive an unmarked government vehicle, I still carry a badge in my wallet. I am one of many probation and parole officers supervising over 40,000 offenders in the community in Ontario on any given day. My job is to keep our community safe. My job is to offer help to those who need it most. Sometimes, those keeping you safe need to be protected too. Sometimes, those who offer help need help too.

Please include probation and parole officers in Bill 163. Mental health support is something that we desperately require.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. The questions go first to the official opposition. Mr. Arnott.

Mr. Ted Arnott: Thank you very much for your presentation. You spoke with passion. You spoke from experience. You gave this committee numerous examples of what you face day to day in your job and what you've encountered over a period of time.

How long have you been a probation and parole officer?

Ms. Danielle Du Sablon: Ten years.

Mr. Ted Arnott: Ten years. So you've done all of that in 10 years?

Ms. Danielle Du Sablon: Right.

Mr. Ted Arnott: Was any organization that involves the probation and parole officers—as far as you know, were they ever consulted in terms of the development of this bill and whether or not probation and parole officers would be included in the bill?

Ms. Danielle Du Sablon: I work for the Ministry of Community Safety and Correctional Services and we have a variety of union-related committees, like our occupational stress injury committees and our provincial health and safety committees. For whatever reason, correctional officers received support from our minister, Mr. Yasir Naqvi; however, probation and parole officers were excluded and disregarded.

It's interesting that we spoke about, earlier, the female- versus male-dominated field. The Probation Officers Association of Ontario took some statistics a couple of years ago. Probation and parole officers in Ontario are 73% female. It is a female-dominated profession. Correctional officers are predominantly male. In that mix, they were included in there. Their inclusion was supported; ours was not.

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Mr. Ted Arnott: So do you believe that there has been some gender bias in the government's decision?

Ms. Danielle Du Sablon: I don't know whether or not it was intended, but I think it certainly speaks to the perception around first responders and law enforcement and what that image represents, which is sort of why I alluded to certain things in my presentation—I don't carry a gun, I don't drive a marked vehicle, all of those kinds of things—because there's that stereotype about law enforcement and being in uniform and being predominantly male. We're forgotten, oftentimes, those working in law enforcement in the female-dominated areas.

Mr. Ted Arnott: Have you heard the government give any explanation as to why probation and parole officers have been excluded from Bill 163?

Ms. Danielle Du Sablon: No explanation.

Mr. Ted Arnott: I didn't hear any explanation from any of the government members during the course of the second reading of the bill, either.

Ms. Danielle Du Sablon: Right.

Mr. Ted Arnott: But we will look for an explanation.

Ms. Danielle Du Sablon: Thank you.

The Chair (Mr. Peter Tabuns): We'll go to the third party. Ms. French?

Ms. Jennifer K. French: Thank you, and welcome to Queen's Park. Thank you so much for your presentation. Clearly, there is a lot to know about your profession—a very thorough presentation but also materials for us to take away.

I can't help but wonder if part of the reason that you were excluded is because the government perhaps doesn't know what it is that you do. This pile is a step in the right direction.

I had the opportunity, of course, over the last inter-session to visit a number of our correctional institutions but also a number of the probation and parole offices, and

I fully appreciated what I had heard from the officers there.

To your point of being a peace officer and a member of law enforcement: Thank you for making that clear. In Alberta, their presumptive legislation includes peace officers, so you would not have been excluded had we modelled it similarly.

You had said that sometimes, those keeping you safe need to be kept safe. Thank you for reminding us of that. What would you be willing to do in terms of meeting with the government or partnering to ensure that after you're included, we can also address the workplace situations that lead to, as you said, such high levels of primary and secondary trauma exposure? What would that need to look like?

Ms. Danielle Du Sablon: I think to adequately address the exposure in community corrections, a couple of things need to happen.

First, we have a critical incident and stress management unit that relies on management to initiate. Nine times out of 10, you have a critical incident, and management doesn't initiate our critical incident team. So those officers aren't getting the immediate support because it's really at the discretion of the manager, and that needs to not be.

In terms of the mental health support that we have now, it's inadequate. We have an employee assistance program that offers five sessions from non-trauma-trained providers, so it really doesn't get us anywhere in terms of providing adequate treatment along the way.

Workload is another issue that needs to be addressed in community corrections. The reason that this ties into trauma is the work-life balance. When we are swamped during our regular day to day and having to take home all of those police reports and victim impact statements etc. to write reports at home when we put our kids to bed, that's a problem. Those kinds of things are changes that need to be made in terms of overall wellness for officers. I think we have a variety of different committees with OPSEU, our union, that would be willing to address those things with the employer.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say, we're out of time. We go to the government. Mr. Dhillon?

Mr. Vic Dhillon: Danielle, thank you very much for your passionate presentation.

At the outset, I just want to mention that the Ministry of Community Safety and Correctional Services is in a transformation stage, and I believe the consultations are to begin at some time.

As well, Minister Naqvi is very well aware of some of the challenges that may be there. One of the components that the minister has stated, and one of the things that will be at the forefront, will be mental health issues.

Having said that, it's clear that mental health is very important to your association. Can you tell us some of the actions that your association takes to address the stigma associated with mental health?

Ms. Danielle Du Sablon: Our professional association or the union?

Mr. Vic Dhillon: You can talk about your professional association.

Ms. Danielle Du Sablon: I think overall there's a culture in community corrections where we're helping professionals, so it's not unusual for us to talk and speak openly. We do have a lot of support for one another, which I think has been helpful.

From what I've noticed, our professional association has made attempts to have discussions with Mr. Naqvi with respect to this bill, and there has been no progress made as of yet.

We have, annually, a symposium with the Probation Officers Association of Ontario where we talk about primary and secondary trauma. A lot of the data that I referenced today came from a researcher who attended one of our symposiums, so they do provide assistance in that way.

Mr. Vic Dhillon: Thank you very much.

Ms. Danielle Du Sablon: You're welcome.

The Chair (Mr. Peter Tabuns): Mr. Anderson.

Mr. Granville Anderson: Thank you for coming in here, Danielle.

I think the notion that's alluded to on the other side, that you're excluded because it's female-dominated, is ludicrous. I, personally, didn't know; I would have thought that parole officers etc. would be male dominated. You've enlightened me on that today.

No bill is perfect but we'll eventually get it right; hopefully, we will.

You had a lot of passion during your presentation and I'm sure the government is taking note of that, which includes myself and my colleagues. Thank you.

Ms. Danielle Du Sablon: Thank you.

The Chair (Mr. Peter Tabuns): With that, our time is wrapped up. We really appreciate you presenting today.

Ms. Danielle Du Sablon: Thank you very much.

MR. RALPH WALKING WOLF THISTLE

MS. KYRA THISTLE

The Chair (Mr. Peter Tabuns): Our next presenters are Ralph Walking Wolf Thistle and Kyra Thistle.

As you've probably heard before, you have up to 10 minutes to present and then we divide up nine minutes between the three caucuses for questions. Once you've settled in, if you would introduce yourself for Hansard, and we'll go from there.

Mr. Ralph Walking Wolf Thistle: Thank you very much. My name is Ralph Walking Wolf Thistle. I am Métis. I was a 30-year veteran of the Toronto police force; I joined in 1977.

I'm also known in the Homeless Hub—which is presented by York University and is a foremost study on homelessness in Canada—as the “homeless policeman.” That's where my journey ended up.

As a sufferer of PTSD after 30 years of policing with Toronto police's homicide squad, as a child sexual assault investigator, with the drug squad and Project P—most of my work was done in uniform.

My first shooting was in 1984. It was a hostage situation after a bank robbery. I almost shot a hostage in the face. I got the assailant outside, where I shot him. He survived due to a bullet-proof vest, but I crippled him for life. I began to experience PTSD not knowing what it was because back in 1984 there was no information whatsoever.

Myself, Terry Nunn and Superintendent Cowan formed the first PTSD group. We called it the PTSD shooting team. Because of my background in homicides, I would go to police shootings. This goes back to 1986. We didn't have the skill set or the professional approach to it. I look back at those days; we were actually re-traumatizing ourselves as well as these other officers.

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Since then, I went down to 51 division, where, again, there were numerous traumatic events. I was covered in a large amount of human blood; I had to go on the HIV cocktail. Toronto Police and my benefits fought over that as I was feeling that, “Here I am; I could be dying of HIV.” Toronto Police did not come forward to assist me, and I couldn't afford the medication due to a lengthy family dispute, which is also related to my post-traumatic stress. My daughter is here today and I'll introduce her after I'm finished, if I may, and what it has done to my family.

I was very successful as a Toronto Police officer. Again, other traumatic events—too numerous. I believe, if you do have the copy of the Homeless Hub before you, there are some stories in there. I don't need to get into them, other than that I had suffered immeasurable loss due to my PTSD. I had become unstable, an alcoholic and a very dangerous man.

I remember fingerprinting a man at 51 division who was a homeless rubby, and he says, “Officer, you smell worse than I do.” The stench of booze—I was drinking 40 ounces of booze a day and performing my duties as a police officer. Toronto Police, in their wisdom, had made me a coach officer for me to train new, young police officers from the college down at 51 division, which is known for its violence.

I had become hyper-vigilant. When I did pick up my daughters, if I did get custody of them—I remember picking up my two daughters and going to McDonalds in Georgetown. I'm carrying two handguns, one on my hip and one on my ankle, and I'm carrying a commando knife because I trained myself to fight with knives. My daughters, 5 and 6, go into the play land. My marriage had already failed, due to my addiction issues, mental health issues and PTSD. I'm in the restaurant blading people, thinking that someone was going to come in and start shooting.

When you get PTSD—for me, the problem was trying to shut it off. I was always on, in the sense that I was waiting for violence, anticipating violence. I'd scan the

McDonalds. My daughters are playing; I would get food; I would have numerous scenarios flood through my brain of how I'm going to defend my children and how I'm going to shoot and fight my way out of McDonalds. I told my family physician that, and he said, "Ralph, normal people don't think like that."

Again, a lot of other traumatic events, as far as the story goes. What had happened is, I'd lost custody of my children; I'd lost my wife. It's a matter of "yet" with PTSD: Have I lost my family yet? Have I lost my daughters yet? Have I lost my house yet? Have I lost my pension yet? Have I been arrested yet? Have I been in jail yet? Have I been dead yet? The only "yet" I haven't done is be dead because I ended up being homeless in British Columbia, planning that I was sick and tired of the horror that was in my mind. I phoned Toronto Police, knowing that they would ping my cellphone and they would send a SWAT team after me. And this is not the first time SWAT teams came after me. Again, I'm very well trained, and I knew that Toronto Police were very fearful of me. The RCMP showed up. I also took an overdose of antipsychotic drugs and liquor; if the police didn't kill me, the overdose would.

What I wanted to do was gift the police—I didn't want to hurt them. I wanted to gift them with trauma and addiction because I felt abandoned by the city of Toronto, the police and this province. The best way I figured, at that point, was that they're going to gun me down as I'm fighting a SWAT team. The Mounties did it right: They took their time, I was arrested, I went and I was incarcerated in the Surrey lock-up and I was doing jail time there.

I spoke to the judge, and the judge said, "You scare the living hell out of me. I have the police protect the public, but who protects the police from someone like you? I see that you have the Governor General's of Canada award and the most venerable order of Jerusalem—medals for bravery. How can a man be so awarded and end up homeless and in jail?" The judge said, "I think you're NCR, not criminally responsible. I'm sending you to the Colony Farm forensic mental institution."

I spent some time with baby murderers and other quite unwell people. It was found that I am responsible, and I take ownership for what I have done. That's the only way I'm going to heal. With that, I have embraced my culture, being Métis-First Nations. I do the smudge and other things to keep me healthy.

What has happened is not just what happened to me; it's what happened to my family, to my beautiful daughter Kyra. I would like her to have a few words.

Ms. Kyra Thistle: Hello. My name is Kyra Thistle. I'd just like you guys to pass this bill to help those family members who have people they love suffer from PTSD.

I also had some traumatic experiences due to my father's suffering. He came to my school when I was in middle school and tried to kidnap me and my sister. I had to call the cops on my own father and have him taken away because he was unwell. We were living in a trailer park with no running water, and my father was drinking.

The next day, he came to my school, yelled at my teachers and threatened to hurt them and kill them if they didn't call me down. They called me down to the office. I saw him, and I could tell that he was not stable. I ran away. I called the police. I called my mom. Then my father came down the hallway, grabbed me and dragged me down the hallway. No one came to help until I was able to get away and lock a computer classroom door behind me.

Because my father has saved people's lives by sacrificing his own, he sadly also sacrificed the stability of his family and his children. It would be nice if the government and WSIB acknowledged PTSD as a work-related illness so that no other family members and the people they love who suffer from PTSD have to suffer.

Mr. Ralph Walking Wolf Thistle: I'd like to just close with another minute if I could.

The Acting Chair (Ms. Cindy Forster): You have about 30 seconds, sir.

Mr. Ralph Walking Wolf Thistle: All right. I am now an addictions counsellor. I work at Hope Place Centres. I help men just out of jail and homeless men find recovery. I've embraced my Métis culture and also help others heal.

The Acting Chair (Ms. Cindy Forster): Thank you so much.

The NDP: Ms. French.

Ms. Jennifer K. French: Thank you both very much for your presentations today. I think we can all appreciate how raw and personal and authentic your stories and presentations are, and why it's so important for us to recognize, when we bring forward a piece of legislation, that it's so important to get it right for those who really need it, because we are talking about real community members and families. Thank you for having the courage to share with us today. We appreciate it.

I'd like to actually take a moment, if I may, and recognize that we have a guest here as well. Dilnaz Garda is joining us. She's the sister of Officer Garda. People across Ontario recently understood their situation from the Toronto Star: Her brother had died by suicide, and brought that story into our homes. Now we have the opportunity to have your story in our homes, so thank you for that. Also, Mr. Thistle, as you just mentioned, you are embracing the next chapter of your journey, and I think there is hope and opportunity if people can get treatment and can find their way to that point.

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I guess, instead of just talking at you, I would like to ask you a question. In addition to this presumptive PTSD legislation, what else should police forces and the province be doing to assist police officers in prevention and support of PTSD along the way?

Mr. Ralph Walking Wolf Thistle: I find that I do volunteer work with Tema. With that, I believe peer support would be an important part of the healing mechanism—of course, having professionals and things like that, but peer support—and having someone the officers or firefighters or EMS or whoever can relate to, who

have perhaps been trained properly in peer support. With that would be funding—and it's not just all about PTSD, because I understand that only about 8% will be diagnosed with PTSD. It's depression and anxiety and other job-related stressors, and I hope that they're included in the legislation as well. So that means the money—right?—and a dedication.

The Acting Chair (Ms. Cindy Forster): You've got about one minute.

Ms. Jennifer K. French: Okay. As you mentioned in your deputation, you had gone from such a decorated officer and through such a journey to now being before us today, I'll say loosely, on the other side of that journey. Can you speak a little bit about what are the dangers or what are the concerns about officers who are struggling with mental health issues and PTSD who are interacting with our community members and who are not able to seek treatment or who don't have access to the presumptive coverage as it stands now?

Mr. Ralph Walking Wolf Thistle: I'd strongly suggest that the subculture of policing can be inherently unhealthy, so that, as the next generation of men and women join, they get the mental health education as they go through Aylmer or whatever department they're with—again, EMS—that they're taught.

I now lecture at colleges and police forces. I ask these young men and women to demand proper health care, and that means mental wellness.

The Acting Chair (Ms. Cindy Forster): Thank you. Government: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for your presentation. Kyra, it takes a huge deal of courage to bring forward a story like you've told us here before. Mental health not only affects—and I know you know this—the individual who's suffering from it, but it affects the whole family, and your story today really highlights for me why it's so important that we pass this legislation as soon as we can.

I think you'll find that around this room we've been looking at the legislation to get it right, to make sure that we go forward with it as quickly as possible. I hope you're well along your road to recovery—and hopefully being able to get this message out and recognizing that it helps us to craft a bill that helps prevent some of the trauma that you faced in your early years. I just wanted to say that I'm just very proud of you for being able to come out and confidently tell us your story.

Ms. Kyra Thistle: Thank you.

Mrs. Kathryn McGarry: In saying that, I'm also impressed that you've gone on and taken the situation and been an elder healer in your own community. It takes a lot of courage and inspiration to be able to turn that around and reach out to others.

My question to you would be around this bill and how you think it can impact mental health for those first responders who are already in the field and looking at getting work in the field. So my question would be around how you feel this would assist and impact mental health in the future.

Mr. Ralph Walking Wolf Thistle: Well, with the presumptive part, I could see that being a necessary part of it, because I had to prove, over years, my trauma. Again, this happened in 1984. Workers' comp won't recognize that injury because it's too far back, but I can see a cause and effect. PTSD led to my addiction, because I self-medicated, and the subculture of policing and others did that, which led to further mental issues. Workers' comp only wants to hear about the PTSD. They will not touch my addiction issues and mental issues that have spawned from that. Again, I think education for the new generation of men and women coming on is very important, that they know that they can rely on their employer and this province to be there when they need the help.

Mrs. Kathryn McGarry: Certainly, around early diagnosis, assessment and treatment—we're hoping that that will prevent some of the PTSD in the future. We know that prevention is key. Do you have any last comments about prevention?

Mr. Ralph Walking Wolf Thistle: Prevention? Again, it would be education and reaching out for them.

Peer counselling: I know that some departments—Toronto police—have gone with some professionals. Some are open to that, but really, they want to talk to a peer. With that, there has to be funding to provide that type of care. Again, just to hand them off or divert them into a professional psychologist or psychiatrist, like they have done to me, or into a treatment centre—a well-versed or street-savvy peer counsellor is worth their weight in gold to steer that member to where to get the professional help.

Mrs. Kathryn McGarry: Meegwetch.

Mr. Ralph Walking Wolf Thistle: Meegwetch.

The Acting Chair (Ms. Cindy Forster): Thank you. The official opposition: Ms. Martow.

Mrs. Gila Martow: Thank you, both of you, for coming in and for sharing your story.

My question is: What type of counselling do you see for people who work in law enforcement—who work on the front lines, who try to keep the rest of us safe—not just after the fact, but from the beginning of their career? What type of support would you like to see in place to help people cope with difficult situations before they arise? I think it's much easier to counsel people before these traumatic episodes. Actually, some militaries train people in case you're captured on what exercises to do—breathing exercises. It's a little bit like coaching women before childbirth. If you could share some thoughts on that.

Mr. Ralph Walking Wolf Thistle: Well, exactly. I know that, in my journey of wellness, I have to slowly learn how to do all these healthy things in replacing the bad behaviour that I had become immersed in or that was part of my life.

Similar to the rehab, we have these men. We talk to them, one on one, about what issues have come to mind. I could see, in a platoon setting, you would have educators coming to police stations and talking to them.

A certain amount of anonymity—I know that some police departments say that they accept that officers have PTSD and mental issues, and there's a degree of wellness that they can achieve afterwards. I'll be impressed when they start promoting them, because I know a lot of police officers who contact me are in fear of their employer, the Toronto police, in a sense, not of the chief himself—I don't know the man; I knew Billy Blair, but I don't know this fellow. They're in fear that if they come forward, they no longer would ever see any type of promotion.

Mrs. Gila Martow: A type of discrimination?

Mr. Ralph Walking Wolf Thistle: In a sense. Some of us suffer, and some of us suffer immeasurably. But it doesn't mean that there's not hope in recovery and, with that, a certain amount of insight towards life itself. I think that would make a better police officer.

Mrs. Gila Martow: Thank you.

The Acting Chair (Ms. Cindy Forster): Thanks very much for your presentation and for being here with us today.

Mr. Ralph Walking Wolf Thistle: Meegwetch. Thank you.

UNIFOR

The Acting Chair (Ms. Cindy Forster): I now call upon Unifor, please. If you could please state your names for the Hansard record.

Mr. Corey Vermey: Good afternoon. My name is Corey Vermey. I am the director of health care at Unifor. I'll let Dan introduce himself.

Mr. Dan Lefebvre: My name is Dan Lefebvre. I'm an Ornge flight paramedic and have been for 10 years. I worked for land ambulance in Cochrane district before that.

The Acting Chair (Ms. Cindy Forster): Welcome.

Mr. Corey Vermey: Thank you. We wanted to appear before the committee to, first of all, congratulate the Legislature for moving to committee this bill and to also acknowledge the prior inceptions or variations in which the principles behind this bill have resided by way of Ms. DiNovo's private member's bills in the past, which our union has applauded and supported.

We are also here to encourage all-party support and quick passage of the legislation. We would recognize, as have earlier speakers, that perhaps not all those who are possibly exposed to PTSD are covered in this bill. But this bill is an important first step in having that conversation in the province about the experiences of people in their normal working lives providing service to the citizens of this province—of fairly traumatic events that will occur in the course of their working lives. Certainly, the probability is highest amongst those groups that are covered under the current draft legislation.

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We would certainly welcome its passage and it becoming a platform to move forward and to expand and continue the conversation in terms of others not presently included within the legislation. We would speak on

behalf of Unifor members, many of whom, for instance, would be working in the health care industry, who would, in the operating room, receive the patient that the paramedic has stabilized and transported to the hospital and could equally experience PTSD. This is a very important first step, and we encourage swift passage of the bill.

The other matter that we would speak to would be acknowledging that it has taken some time for this initiative to reach the stage in the legislative process that it is now at. We would encourage, if there is consideration of amendment to the bill, providing a retroactive element to that legislation to acknowledge those who most recently have had the experiences that the bill seeks to provide presumptive coverage for.

I would turn to Dan to speak more personally to the experiences that he and other paramedics have experienced.

Mr. Dan Lefebvre: I have 13 years as a flight paramedic and also a bargaining representative for Unifor for the Ornge flight paramedics. I was asked to come here today. It was kind of short notice, but I felt it was important to come and share a couple of stories I have.

One close personal friend who was a land paramedic and another partner who was a flight paramedic both took their lives. Obviously Bill 163 is coming in a little bit late for them. Seeing that and experiencing that, I think it's very important for us to recognize this and to get this bill passed so that we can help those who may require this kind of help in the future.

I've seen what it has done to families. I've seen what it does to co-workers—close; far; southern Ontario; northern Ontario. I just wanted to reiterate how important I feel it is, as a Unifor representative, for my membership, the flight paramedics and any paramedics or any first responders. That's basically why I came here today. I think most people have heard stories or have been touched by it, and I'm just here to reiterate how important it is.

The Acting Chair (Ms. Cindy Forster): Thanks so much. The government: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for coming in today and talking about this. As a critical care nurse, I worked very closely not only with land paramedics but sometimes flight paramedics. So I've seen first-hand that it can be one major incident or it could be a series of accumulative incidents that cause somebody to have symptoms.

We're very aware that early assessment and diagnosis and treatment are very, very important. I know that the minister is looking at seeing if we can insist that there are prevention plans in place.

Can you speak a little bit about your members and prevention plans in the workplace and how you think that may impact those who may be facing PTSD symptoms?

Mr. Dan Lefebvre: I can speak to a peer-to-peer support program. I think it's a great idea. It's a fairly new introduction into my current workplace, but even in speaking to one member who is one of the peers who will be helping others, he says it helps him just to speak about

it and deal with what has happened in the past. That's one step.

I think recognition is important as well: getting people into counselling who require it before they get to a certain point.

Mrs. Kathryn McGarry: Do you think that will impact mental health in the workplace—improving it, of course?

Mr. Dan Lefebvre: I should think so. As a paramedic working on the front line, I think one of the most important things for us, as first responders, is that we speak to each other, we understand each other and we understand the situations we're in. So peer-to-peer really is a very important improvement upon the workplace—but early recognition, from the employer as well, so that something can be recognized and then help can be sought.

Mrs. Kathryn McGarry: You mentioned talking to each other. Do you find that there is still a significant issue with stigma in the workplace, or what steps are you taking to remove some of the stigma so that somebody will come forward more likely than not?

Mr. Dan Lefebvre: I think some of the stigma is being lifted. I think people are understanding—we're seeing it more often. Obviously, it becomes public and with the age of communication we are in right now people have a better understanding, whereas before someone might turn a blind eye. I think we're moving in the right direction now and I think this bill will help it along, as well.

Mrs. Kathryn McGarry: So the presumptive piece, you find, is going to be important in this legislation?

Mr. Dan Lefebvre: Most certainly, yes.

Mr. Corey Vermey: As the program was rolled out—first with the package around awareness and other initiatives, before the actual statute was introduced to the public for discussion—I think we were certainly always very receptive to the initiative from government. Obviously, on the first package, we were underscoring the need for the presumptive legislation and then we were quite heartened to see that the type of principle that had been part of the DiNovo private member's bill was in fact part of Bill 163. We see that as a suite of measures, all of which are critical and certainly the legislative piece in Bill 163 is absolutely essential for a just settlement of those issues for those who suffer from post-traumatic stress disorder.

Mrs. Kathryn McGarry: Thank you.

The Acting Chair (Ms. Cindy Forster): We'll move on to the official opposition. Mr. Coe?

Mr. Lorne Coe: Thank you for your presentation. I just want to continue the dialogue and questions that my colleague opposite posed with respect to the types of supports you already have in place. Can you speak about some of the work and receptiveness of the employer to your requests for help, as well? How receptive is that?

In context, I'm a former chair of health and social services at Durham region, and paramedics reported into that, so I understand the work you do and the risks that

you have, but talk a bit about the receptiveness of the employer trying to help you and your families.

Mr. Dan Lefebvre: I think it has improved over the past few years. Like I say, once there is more awareness and people are recognizing where it's coming from and defining it—I think it's improving but I think there's still that barrier. I feel that a lot of members are still reluctant to come forward. They see it as a weakness if they start feeling or having some kinds of symptoms or anxiety or even the beginnings of PTSD. People are still reluctant to come forward because it is your career on the line; it's your livelihood. People are still very cautious, so I don't think we're at the point where someone will just come out and say, "Yeah, you know, I'm having these issues."

There are still a lot of people who are keeping hidden if they can. That's part of the problem, so recognition and training, I think, are important things to move forward on.

Mr. Corey Vermey: If I may add, it also is conditional on the warmth of the workplace relationship. If I may, in Superior North, a land paramedic service serving the city of Thunder Bay, the workplace parties—the employer and the union and the paramedics—have been directly engaged around building these campaigns. That work in and of itself is critical for normalizing the issue.

In other workplaces where the relationship between the workforce and the employer is not as conducive, you have an atmosphere that isn't supportive of directly engaging and supporting the type of initiatives that the awareness campaign would feature.

I don't want to put Dan on the spot but there are other employers that could work with the union in the workplace in a more productive fashion, and that will have a trickle-on or flow-through effect as well on post-traumatic stress disorder measures.

Mr. Lorne Coe: Thank you for that answer. Thank you, Mr. Chair.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. To the third party: Ms. French?

Ms. Jennifer K. French: Thank you both very much for your presentation and for joining us today. I appreciated yesterday during committee when we heard some very strong deputations also from your colleagues, CUPE and paramedics and others.

What I'd like to ask about is some of the things that you brought up—you had said that this is an important first step. One thing that I'm nervous about is that this might be the only step or that the next step will not be taken in our lifetimes. I think we all see the importance of making sure that this first step is taken seriously and made as strong as it can be.

1730

To that end, you had mentioned that there are others not currently covered. I think you were sort of suggesting that they were other health care service providers. Would you like to speak to that?

Mr. Corey Vermey: Yes. Certainly our understanding of it would be that one could have sort of a risk-based approach, and one could look at the professions where

the risk of PTSD is strongest and draft and delineate coverage based on that approach. We certainly think that it's appropriate to look at not removing the ladder. I know paramedics best of all; I'm not here to speak on behalf of police or firefighters. Paramedics have no intention of removing the ladder so others can't ascend to the same height they have; the ladder will stay in place and it will be a beacon and a call for them.

We would certainly see that, in the province of Ontario, health care workers, generally, ought to have the presumption flowing from the nature of their work. When we look at what were once workplaces—long-term-care facilities: We now see homicide in long-term-care facilities. That's a startling change from the nursing homes that I remember 30 years ago, and I trust that that's the same for the members of the committee.

For a more general application, we would certainly see health care workers—I won't speak for parole or probation officers, but clearly there are those engaged in public service who, by the nature of their duties, are exposed to these types of traumatic events that are triggers. We would welcome extension. We can have an ongoing conversation about what the platform looks like—is it an add-on to this bill or is it a slightly different version of this bill—but the principle of presumption would be relevant.

Ms. Jennifer K. French: Okay. I have a couple of other quick questions I'd like to get in. Do you have dispatchers in your membership—911 dispatchers? No? Okay.

In terms of preventive plans, we see that prevention piece in this legislation but the wording isn't definite. It's "may direct," "if the minister directs"—

The Chair (Mr. Peter Tabuns) Ms. French, I'm sorry to say that you're out of time.

Ms. Jennifer K. French: Oh—

The Chair (Mr. Peter Tabuns): I know. It's been that way all day.

Ms. Jennifer K. French: To be required or just appreciated?

The Chair (Mr. Peter Tabuns) I'm very sorry.

Thank you very much for your presentation.

Mr. Corey Vermey: Thank you.

MR. BRUCE KRUGER

The Chair (Mr. Peter Tabuns) Our last presenter for the day is Mr. Bruce Kruger.

Mr. Bruce Kruger: So, you know what I'm doing: I'm unable to sit—I don't have the luxury to sit the way you people do. Unless my back is directly to the wall, I'm devastated and I wouldn't be able to talk to you.

The Chair (Mr. Peter Tabuns): Yes. That's fine, Mr. Kruger.

Mr. Bruce Kruger: Are we on?

The Chair (Mr. Peter Tabuns): We're set. You have 10 minutes. Please give your name again for Hansard, and take it away.

Mr. Bruce Kruger: I'm Detective Inspector Bruce Kruger of the OPP, retired since 1999. I have a couple of Swiss Chalets and Harvey's and Kruger's Muskoka River Bed and Breakfast. I love advertising when I can.

Mr. Chair and members of the Standing Committee on Social Policy, as a first responder I went on my first ambulance calls when I was at the age of 13 until I joined the OPP at the age of 21. Unfortunately, my policing career took a sudden, dramatic change on June 28, 1977. I was forced to kill an escaped convict from Kingston Penitentiary who was armed with a sawed-off shotgun. He was about to shoot a young rookie police officer trapped on the floor of his cruiser, hiding from this approaching and very desperate man. Within seconds, my life changed forever.

Each year, more serious incidents affected me. For instance, my boat was set ablaze by two drug dealers. In 1990, I was dispatched to a scene of a double drowning, at which time I recovered the bodies of a father and his nine-year-old son, whom I knew. My oldest son, Skeeter, was to have been with them; luckily, he missed that trip.

One January 2, 1981, I located the body of a fellow OPP officer who was frozen solid in a snowbank with three bullet holes between his eyes. In 1981, I was run down by an escaping peeping Tom with his vehicle. I was off duty for over a year, having undergone four operations and later a muscle transplant.

In 1999, as detachment commander of the Bracebridge OPP, I received a telephone call pertaining to the shooting of the escapee from 14 years ago. It devastated me so much that I was removed from the detachment. I was found later that night, in full uniform, lying in a vegetable garden on the opposite side of town, too drunk to stand. For three months, I believed that a person was coming to kill me in retaliation for the fatal shooting. General Roméo Dallaire had a similar incident, being found naked and drunk in the Ottawa River because of his experiences.

I am also the officer who instigated the massive investigation by the Ontario Ombudsman, without whose help we would never have moved forward to prevent officers' deaths and family destructions. I had 77 other OPP officers and 146 municipal officers join with me to show that this is a systemic problem. I have personally witnessed the abusive decision-making procedures of the WSIB for benefits, and I appreciate this opportunity to present my concerns regarding the presumptive legislation of Bill 163.

I purposely have asked to speak directly to this committee today since the Ministry of Labour round table addressing PTSD for first responders and the WSIB working group for police with PTSD have completely refused to let anybody even speak. If you've got PTSD, you're not allowed at their meetings, and yet they're the ones who are supposedly controlling it. Unbelievably, these two groups have been tasked with making the rules and regulations, and yet we can't speak.

I wish to point out several concerns that I hope may be changed or incorporated within Bill 163. You must

understand the heartache, pain and anguish that I and my family have endured for years due to the terrible, flawed system of WSIB. Unfortunately, for years I have suffered extensively. I was continuously denied WSIB assistance to alleviate the devastating effects created by this operational stress injury.

The last words at my appeal hearing from the government lawyer were, “Mr. Kruger is not deserving of benefits.” I was hospitalized for two months at Homewood Health Centre, and later I had 11 months of treatment at CAMH in Toronto, twice weekly. My condition worsened so badly because of hypervigilance that I had to withdraw from treatment.

I should not have been forced by WSIB to relive the hell of those horrific events. Just preparing my appeal hearing brought back nightmares, anxiety, sleeplessness and much more. I should have been healing, not rehashing. I did not deserve to be treated as a throwaway employee with a mental illness. PTSD is the loneliest injury in policing, and the WSIB just made it worse.

Pertaining to Bill 163, I have the following comments specifically: The definition of “police officer” does not include a person who is an auxiliary police officer. As a former provincial coordinator for the OPP auxiliary program, I was in charge of approximately 800 OPP auxiliary members serving across this province. These auxiliary members volunteer countless hours to give support in most aspects of general policing while out on patrol with our regular members.

It is ludicrous to think that a regular officer and an auxiliary officer could attend at the same horrific scene of crime or accident, experience exactly the same traumas, both later to be diagnosed with PTSD, and yet the regular member is then given the benefit of presumptive legislation while the auxiliary is not. This is wrong. Please keep in mind that these are the very heroes of society who give of their own free will in order to serve the citizens of Ontario, with no monetary reward of any kind.

In regard to the entitlement to benefits, the time frames that have been announced are all related to 24 months from the time when this bill is given royal assent. But due to no fault of the first responders who applied after Ms. Cheri DiNovo brought this to the Ontario Legislature six years ago, they were anticipating that the Legislature would certainly have acted far sooner than six years. Those people should not be losing out on the benefit of presumptive legislation, and I would ask that you consider moving it back 60 months rather than 24.

For section 5, I strongly urge that it be reworded out of principle towards the issue of PTSD. It currently states, “The worker is entitled to benefits under the insurance plan as if the post-traumatic stress disorder were a personal injury.” All research to date clearly shows that PTSD is in fact also a physical injury. It is no different than a broken leg. The data shows that there is significant change within the brain as a result of the trauma. This is not just another mental illness. The phrase “as if” is insulting to those of us who have received an operational

stress injury. As Roméo Dallaire points out, it is this type of disparagement towards PTSD that augments the stigma that goes along with mental illness. The sentence should read, “The worker is entitled to benefits under the insurance plan since the post-traumatic stress disorder is a personal injury.”

1740

The Ministry of Labour has asked that there be reports developed to show how various organizations will prevent post-traumatic stress disorder for preventive measures. I think, more importantly, I would like to see included in the minister’s orders that he ask that they also submit how they are going to submit WSIB forms on behalf of the organization, whether it’s police, fire or ambulance, to keep them confidential. There is no confidentiality for these officers when their WSIB forms sit in some secretary’s tray or on a corporal’s desk overnight. People joke about it, people take home the information, and it’s wrong. WSIB should have a plan in place to correct that.

I spent well over 800 days trying to get my benefits. That’s how bad it was. It was a disgrace. I couldn’t get any help from anybody. The hell that that put on my family and myself in particular—and by the way, I had to do my own investigation because the WSIB investigator was too incompetent to do the job. I should never, ever have had to do that. I hope that that change is with the presumptive legislation.

These ministry groups that I mentioned before—the round table and the working group—they don’t want to hear about the problems that truly exist. Presumptive legislation is just one thing—and by the way, when I went to the Ombudsman, I was furious because all the police associations turned me down. They said, “We have this all looked after. We’re getting presumptive legislation,” when, in fact, it didn’t cover anything to do with how PTSD was dealt with within policing services. The Ombudsman did the largest investigation and made the most condemning recommendations that he had ever done while he was there.

Money: We’re not supposed to discuss money either, for some reason, but money truly is one hell of a cause for these people killing themselves, having family domestic problems. Constable Garda of the Toronto Police Service who had died drowning was heavily in debt, and they had to use a GoFundMe account. That’s a disgrace in the province of Ontario. Another officer from Toronto, Bill Rusk, just in the last few weeks lost his farm because he had finally been assessed by WSIB and he was given less than the poverty rate. So he had to sell his farm. Another—

The Chair (Mr. Peter Tabuns): Mr. Kruger, I’m sorry to say that you’ve reached the end of your 10 minutes.

Mr. Bruce Kruger: Okay. Just the last statement that I want to do, and that is: As far as change, I truly believe that it’s time that the resignation of the WSIB either be taken or should be removed from office. That is how bad the culture is there.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Kruger. We go first to the official opposition: Mr. Arnott.

Mr. Ted Arnott: Mr. Kruger, thank you very much for coming in today and for your presentation.

Because of the time limitations, you didn't really get enough time to finish it. Is there anything more you wanted to say in the time that we have for our caucus?

Mr. Bruce Kruger: The money aspect—and as I say, people don't want to discuss money. But when I was in the Homewood hospital for the two months, the soldier that had been over in Afghanistan for six months got retraining and a package of \$260,000—a little over that—for his non-economic losses. I got a cheque sent to me, which I did not cash because I was so upset, for \$2,500 for my 30 years of hell that I've gone through. That works out to less than an oil change for my truck per year. That's how the province of Ontario is addressing the needs of emergency services.

Mr. Ted Arnott: You said that PTSD victims should be able to spend their time healing, not rehashing.

Mr. Bruce Kruger: That's right.

Mr. Ted Arnott: It's a very eloquent way of saying what needs to be done.

Again, thank you very much for your presentation.

Mr. Bruce Kruger: Thank you. I appreciate it.

The Chair (Mr. Peter Tabuns) We'll go to the third party. Ms. Forster.

Ms. Cindy Forster: Thanks, Mr. Kruger, for being here today. You spoke about the auxiliary police, that they should be included. When I met with some of your fellow colleagues in the last couple of weeks, they also talked about the need to include operators, call centre workers, dispatchers and forensic technicians, who are on the scene of many accidents and murders.

Do you have any kind of comment on that?

Mr. Bruce Kruger: Yes. I strongly—strongly—agree with all of that. They say that a telephone call can't upset anybody. It was the telephone call that I received, thinking, in my mind, that somebody was coming to kill me; that's when I went off the walls. For three months I thought, "Somebody's going to put a bullet in the back of my head."

Therefore, dispatchers—yes. They suffer just as badly, listening to the screams and the anguish of what's going on on the other line.

I also have a very good friend who does road reconstruction—I forget the title that they have now; I'm getting older. He saw so many horrific accidents, picking up body parts of babies and everything else. Sure, these people need it. They need that protection.

Ms. Cindy Forster: Now the government is proposing that there be this 24-month window for people to come forward with their diagnosis. But it sounds, from your story, like it was many years, many incidents, that actually finally led to a diagnosis of PTSD. What do you have to say about that?

Mr. Bruce Kruger: Well, what happened with me is, once I pulled the trigger, I was in big trouble. It was just devastating for me. By 1984, I came down here to

Toronto to a SMILE program the Toronto police had put on. The acronym was about mental health within law enforcement.

But then, when the OPP started up their program, I was one of the first to call for help. We met in a Tim Hortons. I sat down with the guy and he said, "Wait a minute, Bruce. Before you say anything, I've got to tell you, this is a very confidential thing on paper, but I've been instructed to tell my district commander of everybody I meet with. So if you ever want to get promoted, don't come back and see me." I shut my mouth until I retired. I became the great pretender.

By the way, I became the provincial coordinator for the tactics and rescue units. I was such a good pretender—and I got the job because I was the highest scoring in psychological testing. They had no idea that I was bleeding inside for so long.

Ms. Cindy Forster: Thank you.

The Chair (Mr. Peter Tabuns) We go to the government. Mr. Anderson.

Mr. Granville Anderson: Thank you for being here, Mr. Kruger, and sharing your experience. It's quite the experience that you've been through.

I know you have a lot to say. I was just wondering if there's anything else you would like to make sure the committee is aware of. Give me your background. You can expand.

Mr. Bruce Kruger: I can't explain enough that the Ministry of Labour round table and the WSIB working group are such a terrible failure. The best that's come out of the round table has been that they've decided they're going to have another conference. There is not one report—the Second World War was fought faster than what is going on. It is a crying shame that first responders have been set on the back burner so much. So yes, they've got to change. They've got to allow first responders to speak at these things, tell them their problems and do something about it.

Mr. Granville Anderson: Given your experience with the WSIB, do you think Bill 163 will help make that easier for others?

Mr. Bruce Kruger: I think Bill 163 is tremendous, so don't get me wrong with my ranting. I think it's tremendous and I'm very, very proud to see it go ahead. I would love to see so much more. There has to be one heck of a change in culture within WSIB. I can't even get my expense accounts with my restaurant. If I'm one day late past 30, I pay penalty and interest on anything that I owe. Last year, to get my expenses out of WSIB, it was 11 months and they wouldn't pay a cent. I'm still waiting for last year's expenses that I've submitted, and I've been waiting now for five months for that one.

They refuse to answer any letters; they will not acknowledge letters. I was so upset about that because they accused me of failing to deliver the letters. I said, "I want a receipt for it." "No, no, you can't have one." So I put in a complaint to the Fair Practices Commissioner of the WSIB, and be damned if he wouldn't give anything. By the way, I've got that on a telephone conversation, that they wouldn't allow it.

Mr. Granville Anderson: I still have some more time?

The Chair (Mr. Peter Tabuns): You have about 40 seconds.

Mr. Granville Anderson: How do you think this will impact mental health in the workplace, Bill 163? I believe you alluded earlier to the stigma in—

Mr. Bruce Kruger: I think it's going to be amazing for the people to feel confident that they can say, "Yes, I suffer from PTSD and, yes, I am going to get quick help." I think it's going to make a huge difference, and people will not be sitting back as much scared to death. Believe me, people are scared.

Mr. Granville Anderson: Thank you very much for your presentation.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Kruger.

Mr. Bruce Kruger: Thank you. I appreciate the kindness.

The Chair (Mr. Peter Tabuns): Careful, the microphone.

Mr. Bruce Kruger: Jeez, what did I do?

The Chair (Mr. Peter Tabuns): We lose too many people that way.

Mrs. Gila Martow: Yes, it'll be another WSIB claim.

The Chair (Mr. Peter Tabuns): Mr. Arnott, you had wanted to raise a point of order?

Mr. Ted Arnott: Thank you very much for recognizing this very brief point of order.

I just want to draw committee members' attention to written submissions to the committee, one of which was placed on committee members' desks yesterday and the other today. They're from my constituent, Norman Traversy, from Erin. He wanted to make an oral presentation to this committee. I realize there were more expressions of interest than there were available spots. They're two very large submissions and I would encourage all members of the committee to take the time to read through them.

I've had a lot of interaction with him and he's been in touch with my office over a number of years. He's a victim of PTSD. He is a former firefighter working for the city of Mississauga. Again, thank you, Mr. Chairman. I would encourage members to read the submissions and consider them.

The Chair (Mr. Peter Tabuns): I don't believe it was a point of order but well taken, nonetheless.

Mr. Ted Arnott: Thank you.

The Chair (Mr. Peter Tabuns): Ms. Forster?

Ms. Cindy Forster: I'd like to just have another point of order to acknowledge that there are people here in the audience today who could not get on the list because of the short turnaround time to actually get on to present, even though there should have been 20 minutes left at the end of this day today. They went out of their way to come here and make sure that they heard the presentations of others.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much.

Mr. Dhillon.

Mr. Vic Dhillon: Chair, I'm just unclear about the other 20 minutes. It's my understanding that the presentations were booked to the max and they were to go to 6 o'clock.

The Chair (Mr. Peter Tabuns): My understanding, Mr. Dhillon, is that today we are booked to the max. We moved someone from yesterday to today, which took up the 20 minutes that were remaining.

Colleagues, a couple of housekeeping matters before I adjourn the committee: First, pursuant to the order of the House, amendments must be filed with the Clerk of the Committee—and you can see him right here—by 12 noon on Wednesday, March 16, 2016. Amendments need to be filed in hard copies with the Clerk in room 1405 in the Whitney Block.

With that, I adjourn the committee until Monday, March 21, 2016, 2 p.m., for clause-by-clause consideration of Bill 163.

The committee adjourned at 1754.

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ISSN 1710-9477

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 21 March 2016

Journal des débats (Hansard)

Lundi 21 mars 2016

Standing Committee on Social Policy

Supporting Ontario's
First Responders Act
(Posttraumatic Stress
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Comité permanent de la politique sociale

Loi de 2016 d'appui
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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 21 March 2016

Lundi 21 mars 2016

The committee met at 1402 in room 151.

The Clerk of the Committee (Mr. Katch Koch): Good afternoon, committee members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations?

Ms. Cheri DiNovo: Yes, Mr. Koch. I would like to nominate Cindy Forster.

The Clerk of the Committee (Mr. Katch Koch): Are there further nominations? There being none, I declare Ms. Forster duly elected as Acting Chair of the committee.

SUPPORTING ONTARIO'S
FIRST RESPONDERS ACT
(POSTTRAUMATIC STRESS
DISORDER), 2016LOI DE 2016 D'APPUI
AUX PREMIERS INTERVENANTS
DE L'ONTARIO (ÉTAT DE STRESS
POST-TRAUMATIQUE)

Consideration of the following bill:

Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to posttraumatic stress disorder / Projet de loi 163, Loi modifiant la Loi de 1997 sur la sécurité professionnelle et l'assurance contre les accidents du travail et la Loi sur le ministère du Travail relativement à l'état de stress post-traumatique.

The Acting Chair (Ms. Cindy Forster): Good afternoon, committee members. As ordered by the House on Wednesday, March 2, 2016, we are assembled here for clause-by-clause consideration of Bill 163, An Act to amend the Workplace Safety and Insurance Act, 1997 and the Ministry of Labour Act with respect to post-traumatic stress disorder. Simone Bittman from legislative counsel is here to assist us with our work. The committee is authorized to sit today from 2 p.m. to 6 p.m. A meeting has also been scheduled for tomorrow from 4 p.m. to 6 p.m., should the committee require more time to complete the clause-by-clause study of this bill.

A copy of the numbered amendments received at last Wednesday's noon deadline is on your desk. The amendments have been numbered in the order in which the sections appear in the bill.

Are there any questions from committee members at this point before we start? Seeing none, are there any

general comments or debate on this bill before we actually start clause-by-clause? All right.

On section 1, there is no amendment—

Interjection.

The Acting Chair (Ms. Cindy Forster): Oh, there is one amendment now.

Section 1: There is an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I move that section 1 of the bill be struck out and the following substituted:

"1. Subsection 13(4) of the Workplace Safety and Insurance Act, 1997 is repealed."

Just a little bit of rationale behind this: This is really the repeal setting up the other amendments that we're going to propose that we feel are more inclusive of more workers.

The Acting Chair (Ms. Cindy Forster): Any debate or comments on this amendment? Ms. McGarry.

Mrs. Kathryn McGarry: I've studied the recommendations that have come forward, and I'm going to recommend voting against this motion simply because Bill 163 already addresses PTSD for certain workers only and is limited to presuming work-relatedness for certain workers to represent first responders. All other workers in other occupations that have WSIB coverage that are not included in the proposal would continue to be able to bring forward claims for PTSD, and they would be adjudicated under the WSIB's current process.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo.

Ms. Cheri DiNovo: As we proceed through amendments and the debate continues, simply to say that we feel that the presumptive aspect of this legislation really should be extended to all first responders, and by first responders—we'll go through the list.

I'm fine with the vote, but I want a recorded one, if I could.

The Acting Chair (Ms. Cindy Forster): Any further comments or debate?

Mrs. Kathryn McGarry: Sorry, I just have one other—I'm sorry.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to reiterate the fact that research shows that first responders are twice as likely as the general population to suffer from PTSD.

The Acting Chair (Ms. Cindy Forster): Thank you. A recorded vote has been requested, so that's how we will proceed.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): I declare the motion lost.

That is the only amendment in section 1. So shall section 1, as amended—no, there is not an amendment. Shall section 1 carry? Carried.

We'll move on to section 2. There is a government motion, subsection 14(1). Ms. McGarry?

Mrs. Kathryn McGarry: I move that subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following definitions:

“‘ambulance service’ has the same meaning as in subsection 1(1) of the Ambulance Act;

“‘ambulance service manager’ means a worker employed in an ambulance service who manages or supervises one or more paramedics and whose duties include providing direct support to paramedics dispatched by a communications officer on a request for ambulance services;”

The Acting Chair (Ms. Cindy Forster): Any debate or comments on this amendment? Ms. DiNovo.

Ms. Cheri DiNovo: Yes. You'll see, as we work through this and the various amendments that we've proposed, that we're fine with this. We don't think it's as comprehensive as the amendments we're going to be putting forward, but we're fine. I mean, substantively, what we're arguing from our side is that there are a number of first responders, not just the ones initially listed, that need to be covered to keep everyone safe. So we will be arguing that on an ongoing basis, but we're fine voting for this.

1410

The Acting Chair (Ms. Cindy Forster): Any other comments? Ms. McGarry.

Mrs. Kathryn McGarry: I appreciate that from MPP DiNovo because, if adopted, this particular motion would provide that those employed by ambulance services in managerial or supervisory functions as paramedic chiefs, commanders or deputy chiefs and who may from time to time be on scene at traumatic events would be covered. It really clarifies the definition in such a way that a group intended to be included in its entirety will now be included. I'm going to vote in favour of the motion.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I would just say that I hope that Ms. McGarry, as we proceed through this, is as generous as we in the New Democratic Party plan to be in terms of inclusivity. We are voting for your amendments; we hope you vote for some of ours. Let the vote proceed.

The Acting Chair (Ms. Cindy Forster): Thank you, Ms. DiNovo.

Is everyone ready to vote? All in favour of the amendment, raise your hands. All opposed? It's carried.

The next amendment is an NDP amendment under subsection 14(1). Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following definitions:

“‘child protection worker’ has the same meaning as in subsection 37(1) of the Child and Family Services Act;

“‘developmental services worker’ means a person who provides supports or services listed in subsection 4(1) of the Services and Supports to Promote the Social Inclusion of Persons with Developmental Disabilities Act, 2008 to a person who has a developmental disability for the purposes of that act;

“‘nurse’ means a member of the College of Nurses of Ontario;”

Again, as you move through, you'll see this is simply for definitions—

Interjection.

Ms. Cheri DiNovo: Oh, sorry. There's a second page here.

“‘security professional’ means a security guard for the purposes of the Private Security and Investigative Services Act, 2005 and includes privately contracted security guards who are contracted to work in correctional institutions, places of secure custody or places of secure temporary detention and security guards in hospitals who regularly provide close assistance to first responders or perform similar duties in stressful and traumatic situations;”

Again, it's simply to clarify definitions as we move forward—housekeeping.

The Acting Chair (Ms. Cindy Forster): Thank you. Any comments?

Mrs. Kathryn McGarry: I appreciate the comments in terms of expanding what we've got here, but I really wanted to reiterate that the intent of Bill 163 is to cover first responders and certain workers who arrive and assist at the scene of an emergency and are thus most likely to be regularly exposed.

I want to just reiterate that it is regular exposure to traumatic events that really is backed up by the research that suggests that first responders are twice as likely as the general population to experience trauma due to the nature of their work. It's an accumulative issue.

It doesn't necessarily mean that nurses, child protection workers, developmental service workers and others who play an integral role in our health care service may not be. They may have an incident in which they are definitely exposed to a traumatic event, but generally speaking, in the course of their day-to-day work, they can pinpoint that one incident that may cause them to have symptoms and experience PTSD in the future, and they're able to use that claim and are much more easily able to identify that one incident. So this particular wording, I think, isn't necessary because those workers are already covered by their WSIB. As I said, I just

wanted to reiterate the fact that it's an accumulative exposure that we're trying to cover in this particular legislation.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I have the greatest of respect for Ms. McGarry and, of course, for this bill, but I have to differ on this, of course, because I would say that it is, in fact, a cumulative exposure.

Nurses, for one group, and we'll speak more about this in future amendments, are regularly exposed, many of them, to traumatic experiences. Of course, it's not every day, and neither is it every day for first responders. Quite frankly, it doesn't detract from first responders, in the classic sense, in any way to extend coverage to others in a presumptive sense. It simply recognizes the danger, the traumatic nature of their work. It's never every day. It is always cumulative, or can be cumulative.

Certainly, I think to defend not including groups like nurses, developmental workers and others as we will proceed really is precluding this bill from being as strong as it could be.

But suffice it to say I'd like a recorded vote.

The Acting Chair (Ms. Cindy Forster): Mrs. Martow?

Mrs. Gila Martow: Thank you very much. I want to make just two quick points. One is that we heard during the deputations how difficult it is to submit requests to the Workplace Safety and Insurance Board and that's part of the reason why we're all here, I believe.

The other is that I think we have to remember what happens to the patients and the injured parties after the first responders do their job. That is, they are brought to hospitals and then they're given over to nurses to take care of them. So it's actually often the same situation that could be causing post-traumatic stress disorder in both the first responders and the nurses.

The Acting Chair (Ms. Cindy Forster): Thank you. Are we ready to vote? A recorded vote has been requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We'll move on to the fourth amendment, which is an NDP amendment. Ms. DiNovo?

Ms. Cheri DiNovo: Yes, now we move into the worker-by-worker category.

I move that the definition of "correctional services officer" in subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"correctional services officer" means a worker who is directly involved in the care, health, discipline, safety and custody of an inmate confined to a correctional institution, and includes a bailiff, probation officer and parole officer;"

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: To expand on this, people might raise their eyebrows at "bailiff," for example, but we have to remember that these are the folk who are transporting offenders to and from facilities. They also do—this is really important and I don't think the general public recognizes this—double duty as members of emergency response teams when there are codes in correctional facilities. So, when a riot breaks out, the bailiffs go in. This is not recognized normally by the general public, but it is recognized by corrections officers and their unions, and certainly it's recognized by bailiffs who have to do the job.

Also, of course, and I don't think it takes much of a stretch of the imagination to understand, probation officers and parole officers deal often with violent offenders in their offices with much less security around them than is existent in the normal prison system, which is debatably not great. But they still have to deal with the same clientele. That's the critical thing here. So trauma is possible. It is possible, and it's not once in a lifetime. It does happen.

So, again, it takes nothing away from first responders to include them too.

The Acting Chair (Ms. Cindy Forster): Further debate? Are we ready to vote?

Ms. Cheri DiNovo: Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): A recorded vote has been requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We'll move on to amendment number 5. It's a government amendment. Mrs. McGarry?

Mrs. Kathryn McGarry: I move that the definition of "member of a First Nations emergency response team" in subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"member of an emergency response team" means a person who provides first aid or medical assistance in an emergency, either as a volunteer or for a nominal consideration, honorarium or training or activity allowance, and who is dispatched by a communications officer to provide the assistance, but does not include an emer-

gency medical attendant, a firefighter, a paramedic or a police officer;”
1420

The Acting Chair (Ms. Cindy Forster): Any discussion? Ms. DiNovo?

Ms. Cheri DiNovo: See? We’re incredibly generous and reasonable in the New Democratic Party. We think this is a good amendment and we’re going to support it. In fact, we’ll do more than that. Our next amendment, number 6, covers the same kind of ground, so I’d suggest that it’s redundant. We’re going to withdraw it. We’re going to vote for this.

Again, I would just ask that members of the Liberal Party who are here don’t just do what they’re told but actually look at our amendments and read them the same way we have, and I have, and make their own decisions.

Yes, we’re going to vote for this. It’s good.

The Acting Chair (Ms. Cindy Forster): Any further discussion on this amendment? Are you ready to vote?

All in favour, please raise your hand. Opposed? That amendment is carried.

We’ll move on to amendment 6. Ms. DiNovo?

Ms. Cheri DiNovo: That’s the one I would move to retract because it covers some of the same ground.

The Acting Chair (Ms. Cindy Forster): It’s withdrawn.

Now we’ll move on to amendment 7, which is the government amendment. Ms. McGarry?

Mrs. Kathryn McGarry: I move that subsection 14(1) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following definition:

“‘worker involved in dispatch’ means a communications officer, a worker whose duties include the dispatch of firefighters and police officers, or a worker who receives emergency calls that initiate the dispatch of ambulance services, firefighters and police officers;”

The Acting Chair (Ms. Cindy Forster): Any discussion on this amendment? Mr. Coe?

Mr. Lorne Coe: This is an amendment that I’ll be supporting because it does respond directly to the delegations we received from all emergency services. It’s a good amendment.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: Yes, I agree. We’re going to be voting for it. We wish it was a little bit more comprehensive. Our amendment number 20, which, when we get there—I’m not putting words in your mouth—might be ruled out of order, may be redundant, but is a bit more specific. At any rate, we will vote for it.

The Acting Chair (Ms. Cindy Forster): Anyone else? Everyone’s ready to vote?

All in favour of the amendment, raise your hands. Opposed? That amendment is carried.

We’ll now move on to amendment number 8, which is an NDP amendment. Ms. DiNovo?

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out

in section 2 of the bill, be amended by striking out the portion before paragraph 1 and substituting the following:

“(2) This section applies with respect to the following workers, whether the workers work full-time or part-time:”

This is kind of a housekeeping amendment. In the original bill, Bill 163, firefighters are specified as part-time, and not in the other areas is it specified part-time. We just think that language might help to cover folks who are part-time, in all the categories.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry?

Mrs. Kathryn McGarry: I appreciate the comments. I know you thought a lot about this. But as it stands, Bill 163 would apply to those listed workers regardless of their status as part-time or full-time workers. So I’m going to vote against it simply because it’s already covered.

The Acting Chair (Ms. Cindy Forster): Anyone else? Are you ready to vote?

All in favour of the amendment, raise your hands. Opposed? The motion is lost.

We move on to NDP amendment number 9.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

“5.1 Other workers who provide police services or support the work of persons who provide police services, including workers who provide investigative support, workers in forensics, garage staff, and civilian members of or employees of a police force.”

Again, this was actually not only supported and suggested by the workers themselves who are covered in this amendment, but also by the police themselves, who recognize that the people in forensics—these are people who will go out to a crime scene and clean up the body and the traces of blood. This is a phenomenally traumatic job to do. The garage staff have to do the same with cars. This is what we’re asking them to do. They really are front-line workers, of course, civilian members who are part and parcel, who haven’t gone through police college and aren’t part of the force per se, but still do some of the work. Even the first responders themselves recognize that these people should be covered because of the traumatic nature of the work they do.

To Ms. McGarry’s point earlier that these are folks who do it day in and day out: These are folks who definitely do it day in, day out. They’re part of the crime scene unit. That’s why we’re putting this forward.

The Acting Chair (Ms. Cindy Forster): Further debate on this amendment? Ms. McGarry?

Mrs. Kathryn McGarry: I appreciate the comments. I think when you look at the intent of the bill, 163 already goes past the former Bill 2 that we had been discussing and that was only talking about police, firefighters and paramedics. This already includes a number of other folks in the bill.

I'm going to recommend voting against it, simply because it's the first responders who are twice as likely, as a general population, to have the cumulative effect of PTSD. The other workers who may be exposed are more easily able to pinpoint those particular incidences that they've run across in their work and are still able to apply for WSIB coverage for those particular events.

The Acting Chair (Ms. Cindy Forster): Further debate? Ms. DiNovo.

Ms. Cheri DiNovo: I thank the member for recognizing the former bill that was tabled five times over eight years. The very first iteration of that bill, by the way, was all workers. We narrowed it down with the hopes of this moment happening, of finally getting it to committee and getting it made law, and with the further hope that, at this point, amendments would be able to be made to include other workers. That was always the intent, that it should go to committee and include other workers, from the very beginning. So I'll say that.

The other thing I would say is that I cannot imagine a crime scene with a traumatic event where the forensics team are not there every single time. Every time the detectives would be there—let's say members of the police force—so would the forensics team. Wherever those first responders are present, so are these first responders present. I don't know how you can separate them out, quite frankly.

Again, recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Are you ready to vote?

Mrs. Gila Martow: I have a quick comment.

The Acting Chair (Ms. Cindy Forster): Ms. Martow.

Mrs. Gila Martow: I just want to reiterate what I said before, that we have to realize that a lot of times it's the exact same emergency situation. It's the same unfortunate victim of a homicide, say, or a tragic accident, falling from a building, and to have some workers working on the scene who are going to be covered by this bill whereas other people who are working on the exact same scene aren't covered—I think that's the issue for me.

The Acting Chair (Ms. Cindy Forster): Further debate? You're ready to vote?

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We move on to amendment number 10 in your book. The government: Ms. McGarry.

Mrs. Kathryn McGarry: I move that paragraph 6 of subsection 14(2) of the Workplace Safety and Insurance

Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

“6. Members of an emergency response team.”

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: Absolutely, we support this. We just wish it was more specific and mentioned the individual workers. But we hope that WSIB takes this in stride and recognizes what those members of the emergency response team really are and extends the definition de facto in practice.

We're going to vote for it.

The Acting Chair (Ms. Cindy Forster): Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: Thank you. I appreciate that. I just wanted to put on the record that this motion changes Bill 163 to the broader emergency response teams so it ensures that emergency response teams in the north are covered by Bill 163.

The Acting Chair (Ms. Cindy Forster): Are you ready to vote? All in favour of the amendment, raise your hands. All opposed? That amendment is carried.

We move on to number 11, which is an NDP amendment. Ms. DiNovo?

1430

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

“6.1 Nurses.”

I don't know how much more—

The Acting Chair (Ms. Cindy Forster): Debate?

Ms. Cheri DiNovo: Can I go on to debate? I don't know how much more succinct one can be.

Again, just to Ms. Martow's point, exactly the same traumatic event follows through from the first responder to the other first responder, the nursing staff.

I would argue that here's our moment, folks. Really, it's taken eight years to get to this point. Here's our moment to actually give this bill more teeth than it had when we walked into this room, and to actually extend this to folk who really need it, as have other provinces; as has Manitoba, for example. So I would just say, why would you vote against the nurses?

Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Mrs. Martow?

Mrs. Gila Martow: My concern, when I'm looking at all the different professions that are covered and those that are not covered, is that we're going to see a lot more gender imbalance in terms of who's covered, because I really feel that the female professions disproportionately are not covered. Again, to picture a team of professionals working to try to save somebody's life while there's a few dead family members nearby that can't be moved or covered because evidence has to be collected, and to see over and over, if studies are done, because they will be done—to see that men are being covered if they're in more a more male-dominated profession of first

responding, whereas other teams of nurses who have to deal with just as horrific events aren't.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: Great point. You see the Progressive Conservatives in action here. I couldn't have said it better myself. So this helps correct, also, the gender imbalance of the bill, because if you actually look, through a gender lens, at who's covered in this bill and who's not, if you included nurses, you would right that wrong; without nurses, you don't. End of story.

The Acting Chair (Ms. Cindy Forster): Mrs. McGarry?

Mrs. Kathryn McGarry: It's important to know that nurses do play a very important role, and it's important to remember too that they're covered for PTSD through the WSIB, should they face any traumatic situations.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: It must be noted for the record: No, they're not, presumptively. What we're talking about here is presumptive legislation. What we're talking about here is seeing post-traumatic stress disorder as a workplace injury. You don't have to prove that you came down with PTSD from your workplace. That's the difference. This automatically excludes nurses.

The Acting Chair (Ms. Cindy Forster): Any further debate?

Ms. Cheri DiNovo: Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): A recorded vote has been called.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We move on to amendment number 12, an NDP amendment. Ms. DiNovo?

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"8.1 Other front-line health care workers in acute health care settings, such as hospitals, who regularly provide close assistance to first responders or perform similar duties in stressful and traumatic situations."

The Acting Chair (Ms. Cindy Forster): Debate?

Ms. Cheri DiNovo: Yes, I actually had somebody in my office on Friday in my constituency who works—I won't disclose the institution. Suffice to say that his job was as an orderly in a forensics unit with people who had been sent there by the court system. I don't want to give something too specific away here. He dealt with people

who suffered from psychosis on a regular basis, where staff were regularly attacked, where they needed—just like corrections officers often do—to hold people down and to restrain people. That was part of his daily existence. Yet he's not a nurse; he's an orderly, but he is front-line health care. Again, we see multiple incidences of this kind of occurrence.

I would simply reiterate: Here's our historic chance to broaden the spectrum and to include workers who really need to be included, where trauma is part of their day-to-day. Certainly, his was a story that fills the bill. So I would just urge my friends across the aisle here to not vote as they were told, but to vote with their hearts on this, as I hope they did—well, I suspect they didn't on nurses. But here's another chance to make it right.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: The intent of Bill 163 is to cover certain workers: the first responders who arrive and assist at the scene of an emergency. They're likely to be regularly exposed to these kinds of traumatic events and stressors due to the nature of their work. I believe that this bill has been strengthened through the public process. We've added some more definitions and included a broader range of workers than when we started with Bill 163. So I'm going to recommend voting against this motion.

The Acting Chair (Ms. Cindy Forster): Further debate?

Ms. Cheri DiNovo: His suggestion, and I thought it was a good one, is, anybody who responds to a code blue in a medical institution—and that's not only nurses, which we just voted down, but it can be a range of people who are just on hand. That code blue is, by definition, trauma. So again, multiple exposure to trauma means much more possibility of coming down with post-traumatic stress disorder.

Again, here's a chance to just broaden the bill. It doesn't cost police, fire, paramedics or corrections officers anything to do this.

The Acting Chair (Ms. Cindy Forster): Further debate? Ready for the question?

Ms. Cheri DiNovo: Recorded vote.

The Acting Chair (Ms. Cindy Forster): Recorded vote.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We move on to amendment number 13, which is a government amendment. Ms. McGarry.

Mrs. Kathryn McGarry: I move that paragraph 9 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

“9. Ambulance service managers.”

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: Again, we're going to support this. We have nothing against this, but the question is, why not staff on forensic units; why not porters? Why limit it just to ambulance service managers? Again, I think those who are subjected to trauma every day in the course of their work would be a little upset that one of their number is recognized and they aren't. It's either a workplace injury or it's not.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry—

Ms. Cheri DiNovo: Recorded vote.

The Acting Chair (Ms. Cindy Forster): Oh, Mr. Coe, did you have a comment?

Mr. Lorne Coe: Yes, I did. Thank you. It's unclear to me why this is replacing “communications officers.” Perhaps the mover can bring some clarity to this, please.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: I'd be happy to do that. “Ambulance service managers” includes all individuals who are employed in managerial and supervisory functions as paramedic chiefs and commanders or deputy chiefs, because from time to time they're needing to come out to respond to traumatic events as part of their responsibilities. That's why I'm just clarifying that.

Mr. Lorne Coe: Thank you for that clarification.

The Acting Chair (Ms. Cindy Forster): You're ready to vote?

Recorded vote.

Ayes

Anderson, Coe, Colle, DiNovo, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): That amendment is carried.

The next is PC amendment number 14. I would like to rule on the admissibility of this amendment. As this amendment proposes to accomplish the same things as a previous motion that was already considered by the committee, this motion is ruled out of order.

Now we'll move on to amendment 15, which is an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

“9.1 Child protection workers.”

The Acting Chair (Ms. Cindy Forster): Debate? Ms. DiNovo.

Ms. Cheri DiNovo: Again, this is our attempt to broaden with this historic opportunity to include those

who do encounter trauma as part of their day-to-day reality, and PTSD, therefore, as a workplace injury.

1440

Let's point this out: At least one child protection worker is involved when a child dies. I can't imagine a more traumatic incident than a child's death, and you have child protection workers involved in those deaths. That is their job. That is traumatic by the very nature of the work they do. Three quarters of CAS workers reported witnessing horrors against children and being called in to traumatic situations.

Again, nothing detracts from the coverage for first responders as defined in the bill. It just extends, as a workplace injury, to another class of workers who no one could argue do not see trauma in the day-to-day fulfilling of their duties.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry?

Mrs. Kathryn McGarry: Certainly, others can be involved. Any other worker can be involved in witnessing a traumatic event. That's why those workers are able to bring forward a claim for PTSD under the WSIA. This would be considered under the Workplace Safety and Insurance Board adjudicative process for traumatic mental stress claims.

Again, it's much easier to identify a particular incident if it's not a repeated, day-to-day exposure as part of the first responders' roles.

I'm going to vote against it.

The Acting Chair (Ms. Cindy Forster): Ms. Martow?

Mrs. Gila Martow: Yesterday—I don't know if people saw it in the news—there was a horrific story out of the US. Some woman put her child in an oven. It was on, and the child suffered severe burns. Burns, actually, can look a lot worse after the first hour or two, as the days go on.

This child is obviously going to be treated in hospital. I'm just thinking that it's tragic for the child. It's not equally tragic but pretty tough on the people who have to take care of that child's burns in the following weeks. I think we have to keep that in mind.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I just wanted to refresh people's memories about the very philosophy behind this bill in the first place. That is that what was happening before Bill 163 came into existence—or before our bill came and was tabled eight years ago, and five times after that—was that workers would have to go to WSIB and prove that they came down with post-traumatic stress disorder from their job. Now, this is virtually impossible to do, especially if you suffer from PTSD.

I'll give you an example. Usually, when somebody suffers from PTSD—as we've heard in debate and over and over again in hearings here—there are many steps that happen before the diagnosis. There's all sorts of trauma involved in those steps, usually things like alcoholism, divorce, losing time off work, all those things.

All the claims adjudicator has to do—I'm not blaming them; in fact, they've called for this bill over the years—is say, "Well, it's your divorce that caused your PTSD, or it's the fact that you lost your house, or the fact that you're an alcoholic or have a drug problem. That's what your PTSD stems from."

In anyone's life, never mind somebody who suffers from PTSD, there are many small traumas. I mean, this is a normal human life. All they need to do to deny coverage is to point to something else. That's why this bill exists in the first place. That's why we want to recognize those who deal with trauma on their day-to-day, so that they don't have to be re-traumatized in the process of getting coverage.

Certainly, I would argue that wherever a child dies, a child protection worker is there. That's traumatic.

So again, a recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Any further debate? We are ready to vote.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): The amendment is lost.

We'll move on to NDP amendment 16: Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"9.2 Developmental services workers."

The Acting Chair (Ms. Cindy Forster): Debate? Ms. DiNovo?

Ms. Cheri DiNovo: Yes. Again, it's developmental service workers, who work, many of them, in group situations, many in institutions. Many have reported being assaulted on the job as something that comes with the territory of the job. There was one who came before us who talked about being strangled in a kitchen.

Again, you're dealing with folk who often have brain damage or developmental issues, and restraint is often involved. We wish it weren't, but it is.

Again, here's our historic moment to extend to them, and if the answer is that they're already covered, I go back to my previous comments: No, they are not. They have to prove they came down with PTSD from their workplace—virtually impossible to do, or certainly re-traumatizing to do. Here's our chance to do the right thing.

The Acting Chair (Ms. Cindy Forster): Ms. Martow.

Mrs. Gila Martow: My colleague beside me just said almost what I wanted to say, which is that this is a mental health challenge, and we want people to get better. Just

because you're suffering from post-traumatic stress doesn't mean you're going to suffer the rest of your life. You're going to be fragile. You can be re-traumatized more easily, but there are people who do find ways of dealing and coping better. When they are put through a rigorous WSIB panel and years and years go by, they're actually being made more ill and there's less of a chance that they can get better.

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo.

Ms. Cheri DiNovo: I would point out, because the elephant in the room when we talk about these things is always money, that what we're doing is really affording dignity to workers. We're not saving governments or anybody else or employers any more money by re-traumatizing those with PTSD who have to go through the rigmarole that's just been described. In fact, the aim should always be—because this is not necessarily, we hope, very often a terminal disease—to get them back to work as quickly as possible. That's what they want. They want treatment in an efficacious manner to get back to work. So by broadening the definitions, it does not mean broadening the cost to anybody. It simply means extending dignity to all of those we ask to work in traumatic situations.

Again, a recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: I just wanted to reiterate, Chair, that motion 3 mentioned developmental services workers and we defeated that. So I'm going to vote against this to maintain that consistency. They're already covered under WSIB.

The Acting Chair (Ms. Cindy Forster): A recorded vote has been called.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): That amendment is lost.

We move on to amendment number 17, an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"9.3 Security professionals."

The Acting Chair (Ms. Cindy Forster): Debate? Ms. DiNovo.

Ms. Cheri DiNovo: Again, we're dealing with folk who often are paid minimum wage. We witnessed in an incident not too long ago when a machete-wielding individual down on Bay Street in a hotel was brought

down, restrained by a security person, working probably for not much money, who risked his life and limb to do that. Security personnel are called security personnel for a reason: That's what they do. They guard businesses and folks' security, and just because they may not be necessarily unionized or because they don't earn very much money—in fact, I would argue that because they don't earn very much money, they should also be covered here. Again, it's a large portion of the employment field and the aim is to get them up, working and treated and back to work—virtually impossible.

I wonder how that security guard who tackled that machete-wielding individual is doing right now. I wonder if he's off and having to fend for himself. He is being paid for either way by your tax dollars. He's either on EI, he's on ODSP or he's getting treatment through emergency wards. Who knows what his story now is, but his story would have been much more dignified, he would have been dealt with with dignity, if we had simply got him treatment, got him coverage, and got him back to work.

Again, a recorded vote, please.

The Acting Chair (Ms. Cindy Forster): Ms. McGarry.

Mrs. Kathryn McGarry: Again, motion 3 was talking about security professionals and that vote was defeated. I made some comments, again, that any other worker can pinpoint an incident much more directly than first responders because of the cumulative aspect of what first responders do each and every day. That security professional may already be covered under WSIB, so I'm going to vote against this motion.

1450

The Acting Chair (Ms. Cindy Forster): Ms. DiNovo?

Ms. Cheri DiNovo: I keep hearing the same thing and I'll keep saying the same thing: only if they prove they came down with PTSD from their job, which is virtually impossible to do.

Recorded vote, please.

The Acting Chair (Ms. Cindy Forster): We're ready to vote.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): We move on to amendment 18, a PC amendment. Ms. Martow?

Mrs. Gila Martow: I move that paragraph 10 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding "bailiffs, probation officers and parole officers" at the end.

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: We support this. This is very similar to the amendment that we put forward earlier. I'd just point out to folk who don't know what these people do for a living that bailiffs are actually often part of the emergency response team. They transport prisoners. They deal with the same clientele that our corrections officers deal with. They deserve the same kind of coverage.

The Acting Chair (Ms. Cindy Forster): Ms. Martow?

Mrs. Gila Martow: I think that it's pretty self-explanatory. I think that what we're coming up against in general with the amendments that we're seeing today is with respect to how people may be covered under WSIB, but it doesn't mean that they have coverage. I guess that's the challenge of the spirit of the law versus the letter of the law. We're trying to bring in the spirit.

The Acting Chair (Ms. Cindy Forster): You're ready to vote? A recorded vote has been requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Acting Chair (Ms. Cindy Forster): This amendment is lost.

We move on to amendment 19, but I have to rule on that one, again, as to its admissibility. As this amendment proposes to accomplish the same thing as a previous motion already considered by the committee, this motion is ruled out of order.

Then we will move on to amendment number 19, which is a—or is it?

Mr. Granville Anderson: Twenty.

The Acting Chair (Ms. Cindy Forster): Thank you. Number 20, which is an NDP amendment. Ms. DiNovo.

Ms. Cheri DiNovo: I expected this one to be ruled out of order, but hey, I'll go through it again.

I move that paragraph 12 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"12. Workers whose duties include communicating with workers described in paragraphs 1 to 11 or with the public, including intake officers and dispatchers."

It spells out communications workers in a little bit more detail, but there was a government motion that was earlier passed.

The Acting Chair (Ms. Cindy Forster): It wasn't ruled out of order because it was somewhat different than the earlier amendment.

Ms. Cheri DiNovo: Somewhat different? Okay.

The Acting Chair (Ms. Cindy Forster): Is there any debate on this amendment?

Mrs. Kathryn McGarry: I appreciate that. I remember the reference when we were dealing with motion 7. I'm going to vote against the motion. I believe that motion 7 was much clearer than this one and gets the same intent.

The Acting Chair (Ms. Cindy Forster): Any further debate? We're going to vote on the motion. All in favour? All opposed? The amendment is lost.

We're moving on to amendment 21, which is a government amendment. Mrs. McGarry.

Mrs. Kathryn McGarry: I move that paragraph 12 of subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

"12. Workers involved in dispatch."

The Acting Chair (Ms. Cindy Forster): Any debate? Ms. DiNovo.

Ms. Cheri DiNovo: This is the one I was referencing, which is why I thought the previous one—anyway, it doesn't matter. We just preferred ours because it was more specific and those dispatchers who were not specifically mentioned actually asked us to specifically mention them. So we preferred our amendment that was just defeated, but we will be voting for this.

The Acting Chair (Ms. Cindy Forster): Any further debate? Are we ready to vote?

All in favour of the amendment, raise your hands. Opposed? This motion is carried.

The next is motion number 22, which is a PC motion. Ms. Martow?

Mrs. Gila Martow: I move that subsection 14(2) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by adding the following paragraph:

"13. Any other workers responsible for the protection and preservation of life, property or the environment in the early stages of an emergency, either as a volunteer or otherwise."

The Chair (Mr. Peter Tabuns): Debate?

Mrs. Gila Martow: Again, I think this is trying to focus on the spirit of what we're trying to achieve here, which is that all professionals who have to deal with a crisis situation that is horrific should be covered under this new legislation, as opposed to us picking and choosing who's covered or not covered, even though they may have been working on the same emergency situation.

The Chair (Mr. Peter Tabuns): Thank you. Ms. DiNovo.

Ms. Cheri DiNovo: Again, I point out that the first iteration of this bill, some eight years ago when I first tabled it, was for all workers. The law in Manitoba is for all workers. Here's our historic chance to add to this.

I think this is a terrific amendment and I'm absolutely going to vote for it. I'm just wondering why my Progressive Conservative colleagues voted against the development workers and the other categories when, really, this

includes the other categories. But all is well. We will be supporting it—and a recorded vote.

The Chair (Mr. Peter Tabuns): Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: Just quickly: Research shows us that first responders have twice the rate of PTSD symptoms as other workers. Other workers are able to apply for coverage under WSIB for PTSD symptoms, and it's much easier to pinpoint one particular incident if there's not a lot of trauma that that particular worker faces in their day-to-day duties. So I'll be recommending voting against this recommendation.

The Chair (Mr. Peter Tabuns): Further debate? Mr. Coe.

Mr. Lorne Coe: This request originates with the Ontario Association of Paramedic Chiefs. What we heard in testimony is that first response teams are comprised of volunteers who are trained to provide immediate intervention and treatment, particularly in those communities that are 20 minutes or more distant from the nearest staffed ambulance service. This is the context for the amendment. I think it's a strong amendment that adds value to the bill.

The Chair (Mr. Peter Tabuns): Further debate? There being none, a recorded vote was requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost. We go to PC motion number 23, Ms. Martow?

Mrs. Gila Martow: I move that clause 14(3)(b) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be amended by striking out "a psychiatrist or psychologist" and substituting "a psychiatrist, psychologist or, in remote areas only, physician."

If I could just comment on that, I think that sometimes we do have to consider monetary needs when we are changing legislation and the costs of that. If somebody is in a remote area without access to a psychiatrist or psychologist, if we're going to have to fly into remote areas, I think that physicians in those areas are already probably doing a lot of mental health assessment and mental health counselling and treatment. I think we have to recognize that the big city of Toronto, where we have all these specialists at our disposal, isn't what it's like up north.

The Chair (Mr. Peter Tabuns): Further debate? Ms. DiNovo and then Ms. McGarry.

Ms. Cheri DiNovo: We're going to vote for this, but you'll see in the next amendment, when we get to it, that we have similar language, except we leave out "in remote areas." I don't know about your experience with specialists in the city of Toronto, but I can tell you that the

waiting list for psychiatrists and psychologists here to get an assessment for PTSD can be a long, long, long time, and certainly to get treatment can be even longer.

The fact that there are some physicians, as Ms. Martow was saying, who regularly do this assessment as part of their day-to-day practice should be recognized and should be honoured. They're doing the work and they should be included on the list of professionals who can render a diagnosis.

1500
The Chair (Mr. Peter Tabuns): Ms. McGarry?
Mrs. Kathryn McGarry: PTSD, as we all know, is a very complex condition, and requiring a diagnosis from a specialist who is trained in mental health disorders would ensure a consistent approach to the diagnosis. I think that's very important.

Now, the WSIB has already indicated that if new legislation is passed to expand the benefits for PTSD—the presumptive PTSD diagnosis—it would work to expand the province-wide network of experts who are specialized in the assessment of PTSD to support more timely access.

The Chair (Mr. Peter Tabuns): Thank you. Is there further debate on this?

There being none, are you ready for the vote? All those in favour? All those opposed? It is lost.

We go then to NDP motion number 24. Ms. DiNovo.
Ms. Cheri DiNovo: I move that subsections 14(3) and (4) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

“Entitlement to benefits
“(3) A worker is entitled to benefits under the insurance plan for posttraumatic stress disorder arising out of and in the course of the worker's employment if,
“(a) the worker is a worker listed in subsection (2) or was a listed worker for at least one day;”—we've gone through those.

“(b) the worker is or was diagnosed with posttraumatic stress disorder by a physician, psychiatrist or psychologist;”—language I've referenced—“and

“(c) for a worker who,
“(i) ceases to be a listed worker on or after the day on which section 2 of the Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016 comes into force, the diagnosis is made no later than”—and I'm going to emphasize this—“five years after the day on which the worker ceases to be a listed worker, or
“(ii) ceased to be a listed worker before the day on which section 2 of the Supporting Ontario's First Responders Act (Posttraumatic Stress Disorder), 2016 comes into force.”

The Chair (Mr. Peter Tabuns): Thank you. Commentary? Ms. DiNovo.

Ms. Cheri DiNovo: As it reads now, it's 24 months. Almost every first responder we spoke to and heard from

said that it is imperative to extend that length of time. It can take 24 months just to go to a psychologist or psychiatrist and figure out what's going on. It can take a long time to go through the process to get a diagnosis. It can take a while to even want to do that.

So we really have to look after our first responders. I can tell you that there are many cases that all of us went over in the debate in the House where they were quite a bit past that 24-month period before it was recognized what was actually going on with them. We just think we owe it to our first responders to extend that to a reasonable length of time.

The Chair (Mr. Peter Tabuns): Any further commentary?

Mrs. Kathryn McGarry: Thank you, Chair. I appreciate the comments.

I just wanted to look at research, and research shows us that the majority of those who are suffering from PTSD symptoms have an onset within the 24 months—really, the first 12 months. This proposed legislation went a year beyond the usual, which is within the first 12 months, to be 24 months.

I really wanted to point out, too, that for cases of delayed symptoms of PTSD onset, it is still possible for the worker to bring forward a claim to WSIB to be adjudicated for a claim.

I'm going to recommend voting against this.
The Chair (Mr. Peter Tabuns): Okay. Further debate? Ms. DiNovo.

Ms. Cheri DiNovo: Recorded vote, please.
The Chair (Mr. Peter Tabuns): A recorded vote has been requested. We'll go by recorded vote.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost. We go then to NDP motion number 25. Ms. DiNovo.

Ms. Cheri DiNovo: I move that subsection 14(7) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out.

The Chair (Mr. Peter Tabuns): Debate?
Ms. Cheri DiNovo: Okay. This is, again, a critical one. I'm really quite upset that the government's sticking to that 24 months, but this is even more egregious. This would actually limit the recognition of claims. I can tell you that almost everyone we talked about whose case we debated in the House—I can tell you names that are familiar to all of us, people like Norm Traversy and others who have been on media over and over again, talking about their cases and the lack of coverage of their cases—have had claims denied by WSIB. This, in essence, is making the government be worse than WSIB

as saying, “Too late. You can’t have your claim adjudicated now because it has already been rejected.”

That’s saying no to every file in my office, quite frankly, Mr. Chair. They were here, and they came forward to us to ask for this legislation eight years ago and continuing because their claims were rejected by WSIB—most of them. Again, I find this incredibly egregious.

Also, part of it is caused by his or her employer’s decisions. Now let’s think about that for a minute. I get that being fired might be traumatic—not what we’re talking about when we’re talking about post-traumatic stress disorder. I understand the government’s intent there. However, there are cases of workplace harassment. There have been cases, again, in my files, of particular women who have experienced traumatic incidents with co-workers, some of them—often most traumatic, I don’t have to point to recent court cases to say—by those they report to, those who have power over them in the workplace and who are the cause, including rape, including assault and other situations.

We need to cover those first responders as well. Again, to eliminate these two big groups of first responders really does damage to the very heart of this bill. I’ve had first responders calling me about this after reading it carefully and just being outraged by it because they thought that, finally, they would be able to go back to WSIB and get the coverage they deserve, and maybe they won’t.

So, definitely, recorded vote on this one.

The Chair (Mr. Peter Tabuns): Thank you, Ms. DiNovo. Any further debate?

There being none, are we ready to go to the vote? A recorded vote was requested.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We go now to NDP motion 26. Ms. DiNovo.

Ms. Cheri DiNovo: Okay. This is where we try to make it right.

I move that subsection 14(9) of the Workplace Safety and Insurance Act, 1997, as set out in section 2 of the bill, be struck out and the following substituted:

“Refiling of claims

“(9) If a worker filed a claim in respect of post-traumatic stress disorder and the claim was denied by the board or by the appeals tribunal, the worker may refile the claim under this section.”

Again, we just want to allow all those stories, all those cases that the government was very willing to parade as part of the debate in the House, that those people be covered, that they be able to refile, because many of them

are still suffering from post-traumatic stress disorder and never got the dignity that they should have received.

Again, there’s a lot of strong feeling, I have to tell the government, from our first responders as covered in the bill—not even extending the bill but covered by the bill—who have been denied and who thought that they would finally see justice with the passage of this bill.

And a recorded vote, of course.

The Chair (Mr. Peter Tabuns): Okay. Mrs. McGarry.

Mrs. Kathryn McGarry: I appreciate the comments, but I’m going to recommend voting against the motion because the bill allows for claims and appeals that are pending as of the date that the bill would come into force to be considered under the presumptions. But it’s important to note that a listed worker could file a new claim if they obtain a new diagnosis.

The Chair (Mr. Peter Tabuns): Any further debate? Ms. DiNovo.

Ms. Cheri DiNovo: I just want to point out, too, that first responders may not be aware that in the government’s budget they’re also proposing reducing premiums for employers, and I want to point that out. So at the same time that they’re restricting the coverage in this bill that could have been here, they are also reducing premiums for employers. So one has to ask oneself whose side they’re on.

1510

Also, to repeat, jurisdictions that have brought in post-traumatic stress disorder as a presumptive coverage, as workplace injury, have not seen a spike in claims—again, the elephant in the room about costs. So we wonder at the kind of double standard that’s going on on the government side here.

Recorded vote, please, Chair.

The Chair (Mr. Peter Tabuns): Any further debate? There being none, we’ll go to the vote. A recorded vote was requested.

Ayes

DiNovo.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We are now going to vote on the section as a whole, as amended. Any debate? Ms. DiNovo?

Ms. Cheri DiNovo: Obviously, in the New Democratic Party we really want to see this passed and in operation as quickly as possible. We’re not going to delay this in any way. I just want to express our concern that it doesn’t do what it could have done. We will be voting for it.

The Chair (Mr. Peter Tabuns): Ms. Martow?

Mrs. Gila Martow: I just want to comment once again that I really feel that we need to focus more, not just with this bill, but with bills in general, on the spirit

and what the intentions are and really stay focused on that. I'm glad that at least we're making some progress, but I think this bill could have done a lot more.

The Chair (Mr. Peter Tabuns): There being no further debate, we're ready to go to the vote.

All those in favour of section 2, as amended, please show. All those opposed? It is carried.

We now go to section 3. We have NDP amendment 27. Ms. DiNovo?

Ms. Cheri DiNovo: I move that subsection 9.1(1) of the Ministry of Labour Act, as set out in section 3 of the bill, be amended by adding "and to such workers" after "to the minister".

The Chair (Mr. Peter Tabuns): Any debate?

Ms. Cheri DiNovo: With this amendment, we're just hoping that reports are made available to the workers. That's what we're really asking for here. We think it's a good thing. We think that the Ministry of Labour should be asking for protocols and policies from employers. We just want to make sure that those protocols and policies are made public, particularly to those they affect—particularly to the workers themselves. That's what this does.

I have to point this out: We have voted for many—or I have voted for many government motions, but they have never voted for one of ours. Maybe they can turn the tide on this one, Chair.

The Chair (Mr. Peter Tabuns): Optimism never dies.

Ms. Martow?

Mrs. Gila Martow: Again, I would just talk about the spirit of what we're trying to achieve here. Since there's no magic pill to cure post-traumatic stress—it's just a question of if individuals can cope better or not—we want to focus on prevention, and I think this amendment would help focus a bit more on prevention.

Ms. Cheri DiNovo: Recorded vote, please.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: Certainly, I appreciate support for prevention. We know that preventing PTSD in the first place is very important. That's why this bill does point to prevention and will give the Minister of Labour, if this bill is passed, the authority to request prevention plans from employers. The minister certainly intends to direct employers to provide information on their plans to prevent PTSD. As I said, we know it's important in the first place. The minister would also specify that this information would be provided within 12 months, once this legislation passes.

The Chair (Mr. Peter Tabuns): No further debate? A recorded vote was requested.

Ayes

Coe, DiNovo, Martow.

Nays

Anderson, Colle, Dhillon, Mangat, McGarry.

The Chair (Mr. Peter Tabuns): The motion is lost.

We now go to the vote on section 3 as a whole. It has not been amended. There being no debate, all those in favour of section 3 being carried? All those opposed? It is carried.

We go to section 4. There have been no amendments. Is there any debate? There being none, shall section 4 carry? Carried.

Section 5: There are no amendments. No debate? Shall section 5 carry? It is carried.

We go to the title. There have been no amendments. Shall the title of the bill carry? Carried.

Shall Bill 163, as amended, carry? Carried.

Shall I report the bill, as amended, to the House? Carried.

That, I believe, is it. With that, we are adjourned.

The committee adjourned at 1515.

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SP-42

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ISSN 1710-9477

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 18 April 2016

Journal des débats (Hansard)

Lundi 18 avril 2016

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Hansard Reporting and Interpretation Services
Room 500, West Wing, Legislative Building
111 Wellesley Street West, Queen's Park
Toronto ON M7A 1A2
Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 18 April 2016

Lundi 18 avril 2016

The committee met at 1401 in committee room 1.

The Vice-Chair (Mr. Jagmeet Singh): Good afternoon, everyone. I'm calling to order the committee to consider Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2015 and the Waste Diversion Transition Act, 2015 and to repeal the Waste Diversion Act, 2002.

SUBCOMMITTEE REPORT

The Vice-Chair (Mr. Jagmeet Singh): The first order of business is to address the report of the subcommittee. I believe Mr. Coe will read that into the record. Mr. Coe?

Mr. Lorne Coe: The subcommittee on committee business met on Monday, April 11, 2016, to consider the method of proceeding on Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2015 and the Waste Diversion Transition Act, 2015 and to repeal the Waste Diversion Act, 2002, and recommends the following:

(1) That the committee meet in Toronto on Monday, April 18 and Tuesday, April 19, 2016, for the purpose of holding public hearings.

(2) That the Clerk of the Committee post information regarding public hearings on Bill 151 on the Ontario parliamentary channel, the Legislative Assembly's website and on Canada NewsWire.

(3) That the deadline for requests to appear be 6 p.m. on Thursday, April 14, 2016.

(4) That the Clerk of the Committee provide a list of all interested presenters to the subcommittee following the deadline for requests.

(5) That each caucus provide their selections of witnesses based on the list of interested presenters received from the Clerk of the Committee by 10 a.m. on Friday, April 15, 2016.

(6) That all witnesses be offered five minutes for presentation and five minutes for questioning by committee members.

(7) That the deadline for written submissions on Bill 151 be 6 p.m. on Tuesday, April 19, 2016.

(8) That the research officer provide a summary of oral presentations and written submissions to the committee by Friday, April 22, 2016.

(9) That amendments to Bill 151 be filed with the Clerk of the Committee by 12 noon on Thursday, April 28, 2016.

(10) That the committee meet for clause-by-clause consideration of Bill 151 on Monday, May 2 and Tuesday, May 3, 2016.

(11) That the Clerk of the Committee, in consultation with the Chair, be authorized prior to the adoption of the report of the subcommittee to commence making any preliminary arrangements necessary to facilitate the committee's proceedings.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Coe.

Any discussion on the subcommittee report? Yes. I recognize Mr. Fedeli.

Mr. Victor Fedeli: Chair, this may be the wrong place to discuss this, but, with the five minutes that's allocated for questions divided equally amongst the three parties, that leaves us one minute and—

The Vice-Chair (Mr. Jagmeet Singh): —40 seconds.

Mr. Victor Fedeli: —40 seconds to speak, to ask a question and to expect an answer. That just doesn't seem practical. So I am going to ask for unanimous consent so that we rotate party by party. Is this the time to do it, or is it after?

The Vice-Chair (Mr. Jagmeet Singh): Yes, this would be the appropriate time to do that. You'd be asking for an amendment to the subcommittee report.

Mr. Victor Fedeli: So I am. I'm asking for either an amendment or unanimous consent that we rotate the five-minute allotment for questions by party, as we have done in many committees, so that we can at least get into a proper give and take. That's my unanimous consent or an amendment, depending on how you choose to take that.

The Vice-Chair (Mr. Jagmeet Singh): Sure. Let me just consult—if we can do it as unanimous consent. In the meantime, does anybody have any debate or discussion on this?

Ms. Forster, do you have an opinion on this suggestion?

Ms. Cindy Forster: I'm fine with it.

The Vice-Chair (Mr. Jagmeet Singh): Any other discussion and debate on this? Everyone's fine? Okay. So then, the easier way to do this—if we had to do an amendment, it would have to be tabled in writing. Everyone would have to take a look at it and then it would be voted on. We could do a unanimous consent if everyone's agreeable.

So do we have unanimous consent to rotate the five minutes instead of splitting up the five minutes equally

between each party? I see we have unanimous consent, so we'll proceed in that manner. Thank you.

So I'll be calling the first witness. Just so I don't take up any of the time for the witness, let me just advise that the witness will have five minutes to make a presentation and then the committee member will have a total of five minutes to ask questions, and that will be by rotation.

WASTE-FREE ONTARIO ACT, 2016

LOI DE 2016 FAVORISANT UN ONTARIO SANS DÉCHETS

Consideration of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / *Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.*

ENVIRONMENTAL DEFENCE

Mr. Jagmeet Singh: Let's begin with the first witness, which is Environmental Defence. I have Natalija Fisher, manager of the water program. Is that who is present?

Ms. Natalija Fisher: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Welcome. As you heard, Ms. Fisher, you have five minutes to make your presentation.

Ms. Natalija Fisher: Thank you, Mr. Chair and members of the standing committee. As you know, I'm the water program manager at Environmental Defence. Environmental Defence is a charity that has worked for 30 years to protect the environment and human health. I'm grateful for the opportunity to appear today to speak in support of the proposed Waste-Free Ontario Act, Bill 151. Environmental Defence has also attended pre-consultation meetings and taken the opportunity to provide comment on the act.

First, I would like to take a moment to speak with you about the link between waste and water. Plastic pollution has reached every corner of the globe. The Great Pacific Garbage Patch is infamous, and plastic pollution is a growing problem in the Great Lakes too. In fact, 80% of the litter in the Great Lakes region is plastic.

One source of plastic pollution piling up in our waterways is single-use plastic water bottles. Plastic beverage containers and caps are among the most commonly collected pieces of litter during the Great Canadian Shoreline Cleanup. Once a bottle is tossed, that litter does not go away on its own. Left clogging the shorelines or sinking to the depths of our lakes, the plastic never really decomposes. It absorbs toxins and break down into pieces that can be consumed by wildlife. Moving up the food chain, it can end up on our plates.

Ontarians may be avid recyclers, but according to Waste Diversion Ontario, only half of PT plastic bottles sold in the province find their way to recycling bins. Just over a quarter of single-use plastic bottles consumed at events or on the go are recycled. The rest end up in landfills or the environment. We can and must do better.

Bill 151, the Waste-Free Ontario Act is a response to the amount of waste being generated. In conjunction with the Waste Free Ontario strategy the proposed framework is a positive step towards the future of zero waste. Environmental Defence supports the intent of establishing a circular economy. We support the move to encourage producers to take full responsibility for their products and packaging, and we are pleased to see the zero waste goal entrenched in the draft strategy.

I would like to encourage the passage of the act and to add a few comments about key amendments that would ensure it diverts more waste from landfills, creates jobs and prevents plastic from polluting our waterways. In part, I would like to echo some of the remarks made in the EBR submission put forth by the Canadian Environmental Law Association, the Citizens' Network on Waste Management and the Toronto Environmental Alliance.

Firstly, material recovery targets should be ambitious and should require the highest possible recovery rates. In addition, the targets should not allow any reductions in current recovery rates or service standards. This will help drive innovations in the circular economy and avoid the needless disposal of used materials like PT water bottles. High collection rates are possible, especially when measures are combined.

On its own, the Blue Box Program isn't working well enough. Less than half the plastic bottles sold in Ontario find their way to recycling bins. Ontario is one of the few Canadian jurisdictions without a deposit return program on plastic bottles; as a result, we also have the lowest PT collection rates in the country: about 47% for PT, according to 2012 numbers. By comparison, Canadian provinces and territories with deposit return programs recover between 72% and 95% of their bottles.

Ontarians know first-hand that deposit return programs work. In 2007, the ODRP for wine and liquor bottles was introduced. Thanks to the program, 65,000 more tonnes of glass are diverted annually from Ontario landfills. Refillable beer bottles are returned at a rate of 98%. So the act should allow for proven tools like landfill bans or deposit return programs to complement the EBR framework.

Secondly, part I of the proposed Resource Recovery and Circular Economy Act contains definitions that could be elaborated upon. For instance, clear performance requirements and definitions are needed to guide compliance. The list of definitions should be expanded to include key terms and concepts, such as circular economy, resource recovery, recycling, reduction and reuse. Well-defined policy will help guide the marketplace towards preferred reverse recovery management options, ones that follow the three Rs hierarchy.

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Thirdly, and last of all, it is important that the Ministry of the Environment and Climate Change remain responsible for inspections and enforcement as it has the resources, mandate and expertise required. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. You're well within your time. Thank you for that. We'll begin with the opposition party. Mr. Coe.

Mr. Lorne Coe: Thank you, Mr. Chairman, and through you to the delegation, thank you very much for your delegation today.

The government has demonstrated its preference for drafting legislation through regulation, which happens typically outside of the broader engagement forum. Do you have any concerns with that aspect of what's before you today? Regulation?

Ms. Natalija Fisher: With the proposed regulation or with using the policies—

Mr. Lorne Coe: Yes.

Ms. Natalija Fisher: No, no concerns regarding that.

Mr. Lorne Coe: All right. Thank you, Chair.

The Vice-Chair (Mr. Jagmeet Singh): No further questions?

Mr. Lorne Coe: No further questions. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Thank you very much. That gives us some remaining time. How do we propose we use that remaining time?

Because it's been decided by rotation, that time is used up, so we'll move on to the next presentation. Thank you so much for your presentation.

COALITION FOR EFFECTIVE WASTE REDUCTION IN ONTARIO

The Vice-Chair (Mr. Jagmeet Singh): The next deputation is from the Coalition for Effective Waste Reduction in Ontario. I have John Bailie and Bruce Rebel. Are they both present? It looks like it. Thank you so much.

Mr. John Bailie: Good afternoon, Chair, committee members and Clerk. My name is John Bailie, and I'm the director of the battery section of Electro-Federation Canada. I'm joined here today by Bruce Rebel, who is the general manager and vice-president of the Association of Home Appliance Manufacturers of Canada. Today we are here to speak to you on behalf of the Coalition for Effective Waste Reduction in Ontario.

The group consists of 11 industry associations whose members have waste reduction and resource recovery responsibilities under the bill. In addition to our two organizations, the other members include the Canadian Consumer Specialty Products Association, the Canadian Hardware and Housewares Manufacturers Association, the Canadian Paint and Coating Association, Croplife Canada, Electronics Product Stewardship Canada, the Rubber and Tire Association of Canada, Magazines Canada, Newspapers Canada and the Provision Coalition.

Industry is prepared to transition to a new system of full producer responsibility. We would like to ensure that

the new compliance regime builds on the best practices of our experience with both the current system as well as—

The Vice-Chair (Mr. Jagmeet Singh): Sorry, sir. I'm just going to pause your time. My apologies for interrupting you. Could you bring the mike closer to you? It's not possible to hear you very well. Bring it right up to you. Your voice is very soft and it's very, very difficult to hear you. Everyone needs to be able to hear what you're saying.

Mr. John Bailie: Sorry.

The Vice-Chair (Mr. Jagmeet Singh): No problem. Please continue.

Mr. John Bailie: We'd like to ensure that the new compliance regime builds on our best practices based on our experience currently in Ontario and our learnings in other jurisdictions.

Our members are generally supportive of the proposed legislation. However, we have a number of concerns and recommendations that we've reflected in proposed amendments.

While we appreciate the feedback and clarification we've received from ministry officials regarding these concerns, we felt by virtue of the fact that 11 industry associations all identified these proposed amendments as imperative indicates that the bill must be modified to ensure clarity, certainty and clear purpose.

Our proposed amendments are divided into three broad categories: the Resource Productivity and Recovery Authority's governance mandate and budget, provincial interests and policy statements, and absolute liability.

I'll turn it over to my colleague for his comments.

Mr. Bruce Rebel: Thank you very much, John. CEWRO and its members are concerned with the authority's flexible mandate and the cost associated with its function as currently described in Bill 151. Bill 151 would benefit from amendments to prevent the future expansion of the authority's mandate and budget which could prove costly and unnecessary for brand owners and consumers. Increase accountability of the authority's board of directors and enhance provisions around compliance and oversight. In order to achieve these improvements and strengthen the bill, CEWRO recommends the following amendments:

First, the authority's governance and composition of the board: CEWRO is advocating that two thirds of the authority's board of directors consist of brand holders, given that they are the obligated stewards who must assume the full cost of the operations as per the legislation.

Second, the authority's mandate: CEWRO would like to see the inclusion of any other act removed from the legislation to prevent opportunities for future legislative interference and expansion of the authority's mandate.

Third, the authority's budget and cost: Amending the fee provisions in the acts to include a cap on the percentage of the authority's budget that can be obtained from these fees. Additionally, this concern can be addressed by

implementing third-party oversight of the operational fees of the authority.

Fourth, the authority's operating agreement: We want to ensure there is mandatory consultation with brand holders on the development of the authority's operating agreement and clearly state that the operating agreement cannot establish any new objects, powers or duties of the authority not provided for in the act.

Finally, authority complaint mechanisms: Bill 151 currently contains no mechanism for brand holders to bring complaints against the authority if they believe the authority has acted outside its statutory mandate.

CEWRO believes all of these amendments pertaining to the governance, budget and mandate of the authority will further strengthen the legislation and resource recovery efforts in the province of Ontario.

Mr. John Bailie: More details around our supporting rationale for all of our amendments, including two we didn't get to, are in the submission that we're submitting to the committee. We encourage you to review them there. Thank you for your time today.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your deputation. In terms of rotation, we'll now move to the NDP. I notice that Mr. Hatfield has been motioned by Ms. Forster. Mr. Hatfield, please begin your five minutes of questioning.

Mr. Percy Hatfield: Thank you, Chair, and good afternoon. Thank you for being here today. I understand from the Association of Municipalities of Ontario that they would like to have a voice on the committee because municipalities are subsidizing the cost of the Blue Box Program, collecting your waste. We've seen the example in Vancouver, where Vancouver said, "To heck with you guys; we're not subsidizing you anymore. You take over the collection of the blue box because our taxpayers aren't going to do it anymore." Are we headed that way in Ontario?

Mr. Bruce Rebel: We heard that a little bit in the previous testimony in terms of: This act leaves a lot to be determined in the regulations. The perspective of whether or not the continued 50-50 split that currently exists under the Waste Diversion Act will continue, I think, is still to be determined by prospective regulations that are unknown at this point.

Mr. Percy Hatfield: Are you prepared to step up to the plate and pay the full cost to the municipalities for collecting your waste?

Mr. Bruce Rebel: I would say, as it currently stands, brand owners—producers—are responsible for 50% of the cost of the Blue Box Program.

Mr. Percy Hatfield: Municipalities say they're subsidizing the cost of the Blue Box Program.

Mr. Bruce Rebel: That is definitely one of the things of contention. I know that within the municipal and industry program committee, that is definitely a subject of constant challenge and debate.

Mr. Percy Hatfield: I would imagine having two thirds of the board members with your voice would be a

challenge as well. Are you opposed to having a municipal voice on these committees as we go forward?

Mr. Bruce Rebel: In terms of representation on the committee, again that's something that the regulations are going to have to determine. I don't want to speak on behalf of other representatives, particularly the Association of Municipalities of Ontario. I'll let them speak for themselves. But as brand owners, we are the ones who are, in many programs—not the blue box, but in others, such as electronics, we are funding the entire cost of the EPR programs and, therefore, we think it makes sense to have representation from those who are paying for the system.

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Mr. Percy Hatfield: As opposed to having representation from those who are providing the system, providing the collection?

Mr. Bruce Rebel: Again, I think that is something that is going to have to be seen in terms of how the regulations play out. Currently, there are many municipalities obviously that are providing service; I think that as brand owners we value the relationships that we have with municipalities. Moving forward, given those valuable relationships, we'd want to see those relationships continue on a mutual contractual basis. Where we need the municipalities, then we will enter into negotiations with those municipalities.

Mr. Percy Hatfield: Do you have a counterpart association in British Columbia? Do you share information? Do you know what happened out there?

Mr. Bruce Rebel: I am aware of some of the aspects that happened in British Columbia, yes.

Mr. Percy Hatfield: Do you draw that connecting link to see this could happen here too if municipalities aren't treated more fairly?

Mr. Bruce Rebel: Again, I think one of the things is—unfortunately, it's just the way the legislation is framed at this point—that many of those aspects are still left up to the regulations.

Mr. Percy Hatfield: And we would hope that the regulations will take into account the voice of the municipalities and that the cost share and having the voice at the table would be a priority. I would hope the members of the government who are today will take that to heart. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. There's a minute left, if there are any other questions. Ms. Forster?

Ms. Cindy Forster: Sure, I'll ask a question. You spoke about the authority's budget and cost in sections 40 and 41, and about a cap on percentage of budget and fees. Can you, in 45 seconds or less, expand on that?

Mr. Bruce Rebel: I'll turn that over to my colleague John.

Mr. John Bailie: Okay. Let me give it a try. Basically what we're trying to do is to get some scope around where the authority goes; one of the ways of controlling that is putting a cap on the budget. We've seen instances in other jurisdictions where that works as a second way

of controlling creep in scope and mandate. So we're looking at either a fixed cap of a certain amount of money or a cap in ratios of where monies are spent.

Ms. Cindy Forster: But you're also proposing that two thirds of those people be brand holders. So wouldn't they be responsible for making sure that they were—

The Vice-Chair (Mr. Jagmeet Singh): My apologies, but we've run out of time. It's one of those things. I guess it's rough that way.

Ms. Cindy Forster: Yes. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, gentlemen, for your deputation.

FOOD AND CONSUMER PRODUCTS OF CANADA

The Vice-Chair (Mr. Jagmeet Singh): The next deputation is from Food and Consumer Products of Canada. We have representatives Rachel Kagan and Michelle Saunders; is that correct?

Ms. Michelle Saunders: I'm Michelle Saunders.

The Vice-Chair (Mr. Jagmeet Singh): Michelle Saunders, okay. And Rachel is not present?

Ms. Michelle Saunders: Unfortunately, no.

The Vice-Chair (Mr. Jagmeet Singh): No problem. Michelle Saunders, vice-president, provincial and territorial affairs.

Ms. Michelle Saunders: Correct. Thank you, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much for being here. You have five minutes to present.

Ms. Michelle Saunders: Thank you very much for the opportunity for Food and Consumer Products of Canada to speak today on Bill 151. I'll start by telling you a little bit about FCPC and our role in producer responsibility in packaging.

FCPC is the country's largest industry association, representing companies that manufacture and distribute food, beverage and consumer products. Our members are Canadian and internationally owned companies that make more than 75% of the products sold on grocery store shelves and can be found in every home in the country. Our members are obligated stewards of all provincially mandated recycling programs for packaging, including the Ontario blue box. So while Bill 151 is quite broad for the purpose of our comments today, we will focus exclusively on packaging, producer responsibility and the Blue Box Program.

Producer responsibility shifts the financial and/or physical responsibility for recycling from municipalities to businesses, including FCPC members. FCPC's role is to help our members comply with stewardship obligations. We also work with our members to develop policy positions and submissions in response to government proposals across the country.

I'll just take a minute to offer our perspective on producer responsibility. In practice, producer responsibility in Canada has mostly focused on only shifting the cost of recycling programs and not responsibility.

To us, "responsibility" means a role for businesses in the decision-making related to program operations. In most provinces, that role and responsibility has been held by municipalities only, but to business, simply being legislated to fund a portion of municipal costs is not producer responsibility. It is FCPC's view that if businesses are to fund these programs, then they must have a role in the decision-making for program operations. There must be a true shift in roles and responsibilities if there is to be a shift in environmental outcomes. Funding alone will not improve diversion.

You have all received a copy of my written comments as well as our comprehensive EBR submission, and I will briefly summarize our position and key recommendations regarding the proposed legislation.

Overall, FCPC and its members are generally supportive of Bill 151 and recognize it as a significant improvement over the earlier-proposed Bill 91. We are particularly pleased that the government has recognized the need to treat the blue box separately from other recycling programs, and we are strongly supportive of the government's commitment to making evidence-based policy decisions.

With regard to packaging, FCPC urges the government to recognize the unique and important role packaging plays when it comes to food and consumer product protection, safety and human health, both with regard to potential provincial interests and policy statements regarding packaging design and specifically in the proposed wording of section 67(1).

With regard to blue box, FCPC members require the following conditions in order to transition to a full producer-responsibility model: no legislated role for municipalities—that does not preclude a role for municipalities, but it must not be predetermined; oversight and decision-making for producers; the ability to achieve greater harmonization and economies of scale; maintaining the blue box collective model; and ensuring the program continues to be for residential waste only.

Maintaining the collective model, or the basket-of-goods model, for the blue box is the most efficient and only route to its continued success. If we do not maintain the collective, the program will become fragmented and create consumer confusion, as there would be a proliferation of multiple programs and systems for different materials.

Before transitioning to a producer-responsibility framework, a fair and reasonable cost containment methodology must be developed and applied in the calculation of industry's annual funding. This is critical for both municipalities and producers to be able to effectively budget and manage their blue box costs and to avoid conflict.

If, post-transition to a new framework, industry is to be fully responsible for and to fully fund the Blue Box Program, then municipalities can no longer be the designated service providers for the blue box, as it contradicts the principle of producer responsibility. As such, we recommend that regulation 101/94 of the Environmental

Protection Act be repealed. FCPC acknowledges and appreciates the leadership role that municipalities have had, but, under the new proposed framework, any municipal role must be determined through a fair, transparent and competitive process.

In addition, FCPC recommends that the funding cap not be lifted until the program is transitioned, as this will serve as an incentive for producers, municipalities and others to focus and work diligently toward a seamless transition.

Lastly, the regulated timelines for the blue box should be carefully considered and need an appropriate time for transition to the new framework. We believe at least five years will be required.

Thank you for your time to present our comments today.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your presentation. Next in rotation is the government. I recognize Mrs. Mangat.

Mrs. Amrit Mangat: Thank you, Michelle, for your presentation, and welcome to Queen's Park.

In your presentation, you said that you're supportive of a producer-responsibility model.

Ms. Michelle Saunders: Correct.

Mrs. Amrit Mangat: Can you define what that is, what you mean?

Ms. Michelle Saunders: The government has clearly indicated its intention to introduce full producer responsibility. We understand that to mean that producers will be responsible not only for the funding of the program but for the operation of the program, and what that looks like will be determined in regulation. But what we are saying is that we have to move beyond just a conversation on funding.

Mrs. Amrit Mangat: No, no. I mean, the producer would be the manufacturer or the seller? This is what—

Ms. Michelle Saunders: It would be producers, correct.

Mrs. Amrit Mangat: Say it again?

Ms. Michelle Saunders: Correct: producers, manufacturers, first importers, retailers. Yes.

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Mrs. Amrit Mangat: Okay, thank you.

You also said that you are strongly supportive of the government's commitment to making evidence-based policy decisions.

Ms. Michelle Saunders: Correct.

Mrs. Amrit Mangat: Can you ensure how that necessary data will be available to make evidence-based decisions?

Ms. Michelle Saunders: I'm not sure of the methodology the ministry would use, but certainly in our conversations with the ministry throughout consultation on this, they have been abundantly clear that there is a need for more data, with blue box materials, with IC&I, and with food waste. In a number of those areas, those policies will be determined on the outcome of the research. We support that.

Mrs. Amrit Mangat: You're also supportive of the Blue Box Program. You said in your statement that you're glad and that it should be treated separately. Is that right?

Ms. Michelle Saunders: That is correct. The blue box is inherently different and more complex than the other recycling programs, such as electronics, tires and batteries. Given the complexity and the variety of materials and packaging products that are in the blue box, it is a very complex program. It's also starting at a 50-50 funding, whereas the other programs are already at 100. So we've got not only a bigger and more complex program, but we've got a further way to go in the transition process.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. Any further questions? You have about a minute or two left. No? Okay.

Thank you very much for your presentation.

Ms. Michelle Saunders: Thank you.

NEWSPAPERS CANADA

The Vice-Chair (Mr. Jagmeet Singh): Next up we have Newspapers Canada. Are they present? Yes, I see someone coming forward. Is this Mr. John Hinds?

Mr. John Hinds: It is.

The Vice-Chair (Mr. Jagmeet Singh): The chief executive officer. Wonderful. Thank you so much for attending. As I'm sure you've heard: five minutes for your presentation.

Mr. John Hinds: Five minutes. I'll speak fast.

The Vice-Chair (Mr. Jagmeet Singh): No problem. Take your time.

Mr. John Hinds: Thank you. We very much appreciate the opportunity to comment on Bill 151.

Newspapers Canada represents over 830 daily, weekly and community newspapers in every province and territory in Canada, with over 340 in Ontario and obviously one in each of your constituencies. As a national organization, we have significant experience with the various approaches to waste management and recycling that have been introduced by provincial governments across this country, as well as with the current Ontario policy.

Newspapers have a long and successful relationship with recycling programs. In fact, newspapers were the very first material in the blue box when it was rolled out in this country, and remain the most recycled material today, with diversion rates exceeding 90%.

For many years, newspapers have been the backbone of the recycling system, contributing a significant portion of the tonnage collected and accounting for a considerable portion of the total system revenue. While the tonnage of newsprint being sold into the market is decreasing with the move to electronic delivery, newspapers still account for a considerable percentage of the total tonnage recycled.

It's not surprising that newspapers were so widely recycled; they are designed for it. Newspapers were one

of the first product groups to take recycling seriously by creating a demand for the recycled product. The establishment of de-inking mills and processing mills across Canada, the US and the world has resulted in reliable revenues for recycling programs through the sale of newspapers collected.

The province wants to build the circular economy, with zero waste and zero greenhouse gas emissions, while reintegrating the recovered materials back into the economy as much as possible. Newspapers have already been a leader in that effort, maintaining the highest diversion rates among packaging and printed paper, even as we reduce the amount of newsprint entering the market. As well, the sector is supporting the move towards a circular economy through a supply chain that supports a global marketplace for the reuse of old newsprint.

Like our readers, Ontario newspapers want to see the province succeed in its goal of eliminating waste. When it comes to newspapers, recycling has already diverted nearly all used newsprint away from landfill. Moreover, as we look to the future, the new electronic marketplace will reduce our environmental footprint further as print declines and is replaced by digital products.

Our position on the future of recycling and waste diversion continues to remain as it always has: While we continue to support the sector's leadership in recycling and waste reduction, we believe that printed newspapers have no place in extended producer-responsibility programs. Newspapers are already facing a significant business challenge as they struggle to survive in these turbulent times. Our business model is evolving and publications are learning how to adapt, but in the interim, the industry is in a very fragile state. As you all know, many publications are struggling and we have seen many newspapers close or merge and many reduce staff to stay in business. The imposition of a significant new cost on newspapers, particularly at this time in our history, would have a huge impact on both large and small newspapers in Ontario and on the communities they serve.

It should be also noted that, unlike other materials, newspapers do not have the same opportunity to simply pass on the cost to consumers. Print newspapers are primarily supported by advertising revenues. While the manufacturers of packaged goods can pass on costs to their consumers through a price increase, that's not an option for us.

As for simply passing the costs on to advertisers, newspapers already operate in a very competitive advertising market. What makes this more challenging, however, is the fact that our competitors in the market—television, radio and, of course, online—aren't subject to paying stewardship fees. Forcing a new cost on newspapers will only exacerbate the sector's current challenges by further tilting the playing field towards our competitors who don't have to be part of EPR programs. As newspapers are unable to pass on the costs to readers or advertisers, they have to absorb those costs internally, which unfortunately will mean less editorial coverage for Ontario communities.

The fact that newspapers represent a very different kind of material in the blue box would be apparent to anyone. Unlike the other materials within the blue box, newspapers are not a package; we are the product, and a vitally important one at that. Newspapers play an important role in our communities, providing local news and information as well as a local perspective on national and global issues. Historically, the uniqueness of newspapers has been recognized in EPR programs around the world, either exempting newspapers altogether or, failing that, providing special accommodations specific to newspapers.

Ontario itself has long recognized the special nature of newspapers within its stewardship programs, allowing newspapers to pay their contributions under the current model through an advertising lineage program. Under this program, newspapers continue to support municipal recycling programs by providing in-kind advertising support of equivalent value to what otherwise have been the sector's stewardship fees.

We applaud the government's interest in reducing waste and promoting a circular economy. We would not want to see this come at the expense of a vibrant newspaper sector. We note that the legislation appears to permit the government to maintain an exemption for our sector, should it choose to do so, and that's something we would like to see.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, sir. You were well within your time limit, so thank you for that. Now we'll rotate on to questions from the official opposition. Mr. Fedeli, I recognize you.

Mr. Victor Fedeli: Thank you very kindly, Chair.

Thank you very much, Mr. Hinds, for a wonderful presentation. I would start, I think, by saying to you: Congratulations on the leadership that the industry has shown in terms of recycling, right from day one. I think it was interesting that you got there because of the creation of the demand. My first question would be: Are there any improvements coming—or any changes coming—in terms of furthering that demand, and is there any opportunity, then, to further recycle any more product?

Mr. John Hinds: Yes. We're pretty pleased with our 90-some-odd per cent recycling effort. The challenge that we have is that what has happened now is that this has become a global marketplace. Ontario used to have a de-inking plant—a plant on Lake Erie that only took recycled product. It was owned by Abitibi, and then it went through its various iterations. That plant is shuttered.

Really, what's happening now—and I think this is one of the things that is always challenging around this file—is that on the broader, global environmental footprint, a lot of that product that we're doing now is being trucked to Colorado or Georgia or being sent to China. I think when you look at the full environmental impact of that, that's a big challenge.

While we have the circular economy, I think that any efforts that could be made locally would be much better, both for Ontario's businesses as well as for our industry and for the environment as a whole.

Mr. Victor Fedeli: With respect specifically to Bill 151, would there be any particular amendments that you would look for from this committee?

Mr. John Hinds: I think that the people who spoke before—we're a member of the coalition that talked about the governance issues. I think we would support those as well. I think we would be looking, in terms of the provincial interest or in terms of the exemption, to work with government to find a way that meets our environmental obligations and goals and meets the government's environmental goals and, at the same time, preserves newspapers and preserves print newspapers.

Mr. Victor Fedeli: The presenter before you—Michelle—ran out of time to be able to answer Ms. Forster's question with respect to governance. Would you be able to take just a moment and maybe finish the sentence she was going to?

Mr. John Hinds: Yes. I think that, if we look at where the governance is going, we have to be careful that the people—if this is going to a full EPR program where the people take their product and have full responsibility for it, it's important that those people do actually run the program and make the business decisions to run the program efficiently and effectively. I think one of the challenges we've seen in Ontario over the last dozen years or so of this program is that the initial obligation for industry was, I think, \$40 million 10 years ago; it's now \$200 million. Nobody's costs have gone up that much in the rest of our businesses. We need to ensure that there is a governance structure and a system in place that allows for good business management if it's going to move to an EPR program.

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Mr. Victor Fedeli: Thank you very much, Mr. Hinds. I appreciate the time, Chair. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): No problem. Thank you very much, Mr. Fedeli. Thank you very much, Mr. Hinds.

CANADIANS FOR CLEAN PROSPERITY

The Vice-Chair (Mr. Jagmeet Singh): We will now move to the next presentation: Canadians for Clean Prosperity, and vice-president, operations, Tom Chervinsky. Is that the correct pronunciation?

Mr. Tom Chervinsky: That is correct.

The Vice-Chair (Mr. Jagmeet Singh): I take pride on my pronunciation skills.

Mr. Tom Chervinsky: It was perfect. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): I love perfection.

Mr. Tom Chervinsky: Mr. Chair, members of the committee, thank you for having me here today to speak on Bill 151, the Waste-Free Ontario Act, on behalf of Canadians for Clean Prosperity.

Canadians for Clean Prosperity is an organization dedicated to the promotion of market mechanisms to tackle environmental challenges, and we are very pleased to see the government moving our waste diversion

system towards the individual producer responsibility model. Further, we're pleased to see the general consensus that has developed across parties that we must move towards a system of producer responsibility if we're going to start shifting behaviours and increase diversion rates.

For the past two years, we have been working to engage and educate Ontarians and, in particular, municipal governments to build support for a switch away from our current broken waste management system. We've presented to conferences in small towns and helped pass resolutions in major municipalities. Across the board, we've found understanding and support for three core principles.

First, producers should be responsible for the full cost of meeting diversion targets for their products. Second, producers should have flexibility as to how they meet diversion targets to allow competition and innovation. Third, in order to ensure positive outcomes and incentivize innovation, the programs created must be subject to competition provisions and targets must be backed up by strong standards and enforcement. In many ways, these three principles act as a tripod, and without each of them the whole structure will fail.

The first principle of full cost is already embodied in the legislation.

The second principle of flexibility and independence for producers also seems to be incorporated, but we have major concerns about how the planned regulatory regime will come into effect. Done correctly, the regulations should outline outcomes rather than enforcing specific solutions and processes. Indeed, if this system is to provide a financial and environmental benefit to Ontarians, it must allow producers the freedom to implement new and better processes to improve outcomes and their bottom lines.

The third principle is where the rubber hits the road and where we encourage the government to take great care in its next steps. Just as with limiting carbon emissions, efforts to limit disposal and waste require clearly defined targets which become more stringent over time. This will generate important market certainty for producers and help them design long-term programs and investments to achieve their targets.

Similarly, enforcement will be a key element to making this new waste diversion system work. Waste diversion is a vital public policy objective, and failure to reach targets needs to be met with real financial consequences, while attempts at fraud or deception must be treated as a major violation of public trust and carry even stiffer penalties.

We encourage the government to look at the proposed penalties under the cap-and-trade regulations which set the fine for non-compliance at three times the cost of compliance. Further, the body tasked with compliance must be given sufficient resources and authority to impose fines as necessary and be separated from the body that crafts the targets, much in the same way that the legislative, judicial and policing systems are independent

but work together. This would ensure that enforcement is implemented fairly and impartially.

A solution to this would be for enforcement responsibility to rest with the investigations and enforcement branch of the MOECC while the authority should have the ability to refer potential cases of non-compliance to the investigations and enforcement branch. It will also be important to ensure and strengthen safeguards to prevent political interference over enforcement actions.

The final points I want to make are with regard to transition speed and implementation. It is important that Ontario implement this system in a timely manner and in a way that helps municipalities and producers adapt to the new system. This means setting a reasonable timeline for the implementation of all aspects of this legislation. We would suggest approximately three years and no more than five. We need to provide certainty to the market and ensure that all aspects of this transition move forward together so that Ontarians feel a seamless transition from one to the other. We must also ensure that municipalities that have made substantial capital investments are treated fairly if they choose to divest of that infrastructure.

I'll end by once again reaffirming our support both for the direction and the substance of Bill 151 and, on behalf of Ontarians, by thanking you for helping build a system that will reduce waste, save money and generate good, high-paying jobs here in Ontario. Thank you very much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your presentation.

I will now rotate to the NDP for the questions. Mr. Hatfield?

Mr. Percy Hatfield: Thank you, Chair. Thank you for being here, Tom. Just a couple of questions coming from the municipal angle, I guess. We're talking about producer responsibility and responsibility to pay the full cost of recovery. I think the earlier presenter, Mr. Hinds, said that producers should run the program. Do you think producers should run the program by taking over the blue box collection service from municipalities—or in this case, the red box if it's newsprint?

Mr. Tom Chervinsky: I think that we need to leave that flexibility open in the system. The reality of the current system is that it is, with the best of intentions, incredibly broken. The diffused responsibility, where we have this legislative situation where these players have to work together but can't seem to pull it together, has caused some real problems. We think that it actually treats municipalities much more fairly and puts them in a much stronger bargaining position because they are best able to implement blue box programs. They are in a position, if they want to continue running the blue box, to go to producers and say, "This is what it's going to cost you. If you think you can do it cheaper, good luck with that," and then to hold producers to account for that.

To be fair, if producers can do it better and cheaper, and we can increase diversion rates, then that's good too. We just need to help municipalities transition if they aren't going to be running these programs.

Mr. Percy Hatfield: I know I didn't get a chance to ask Michelle from Food and Consumer Products of Canada a question, but she said there shouldn't be a legislated role for municipalities at all. If municipalities continue to run the blue box or red box recycling programs, why would you deny them a voice during all of this?

Mr. Tom Chervinsky: I'm not an expert enough to speak on the governance of how we would set this up. I think what's important is that we figure out a system that makes sure that Ontarians' voices are heard. I don't know that it necessarily has to be reserved for municipalities as opposed to some other mechanisms for bringing in the voices of average Ontarians.

I'll note that one of the reasons we were founded, one of our concerns with the current system, is that around the table, most of the people you're going to hear from today either represent a level of government or a producer or an environmental NGO, but very few of them try or are able to take the holistic overview of who's advocating for the average Ontarian. At the end of the day, the average Ontarian is the taxpayer, the citizen, the person buying the product and disposing of it, and the person who has to live in this environment that we're creating.

I'm not sure that municipalities per se are the right way to go, especially if they're contracted. If they are a contractee of producers, then it's slightly strange to put them on the board of the producers' organization. I'm sorry if that's not—

Mr. Percy Hatfield: Well, to me, if it's producer responsibility, then the producer has a responsibility for taking care of it from cradle to grave, if you will. So there's a cost there, but if municipalities are actually running the program, and if they're subsidizing the cost of running that program, then they should be compensated for the full cost to recover their full cost for providing that service.

Mr. Tom Chervinsky: Absolutely, and what we're advocating for is that there should be no municipal subsidy for these programs. They should be fully producer-funded, which is what I believe the intention of the legislation is. We absolutely think it is unjust and incorrect for municipalities, and therefore taxpayers, to be subsidizing these programs. We think that if municipalities are going to run these programs, they need to be fully paid for by the producers.

What we're also saying, though, is that if producers think they can do better, if they think that a private system can achieve better environmental outcomes at lower cost and allow them to compete, that is also an acceptable, viable option for our market so long as we treat municipalities fairly in the transition.

Mr. Percy Hatfield: I mentioned earlier—I don't know if you were here—about the Vancouver example. Vancouver said, "We're not going to subsidize you anymore; take it over." Some people in Ontario, some municipal leaders, are saying that's what will happen

here if they aren't treated fairly. Have you heard those discussions at all?

Mr. Tom Chervinsky: I'm not an expert on this. I have read some of the articles about it, but I haven't had the opportunity to speak with people in Vancouver and in British Columbia. What I do know is that the system that they've implemented there has a lot of the principles in place. There are a lot of growing pains, and we should certainly be looking at what's happened there and learning from that.

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In theory, as I understand it, in British Columbia, Vancouver is absolutely within their rights to do that. There are going to be hiccups along the way, and we should be prepared for those hiccups towards Ontarians. There will be municipalities that say, "I'm not doing this anymore. It's not worth it for me." I think it's unjust that the current legislation forces them to provide a service that maybe they aren't able or best prepared to provide.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much. That completes our time. I appreciate your deputation. Thank you for the questions.

CANADIAN PLASTICS INDUSTRY ASSOCIATION

The Vice-Chair (Mr. Jagmeet Singh): The next deputation will be from the Canadian Plastics Industry Association. Thank you very much. I see you're already there. Are you Krista Friesen?

Ms. Krista Friesen: I am Krista Friesen.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Am I still pronouncing your name correctly?

Ms. Krista Friesen: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Yes. I have a good record so far.

All right. You have five minutes to present. Thank you so much.

Ms. Krista Friesen: Thank you. It's nice and warm in here. Thank you so much for having me here today.

The Canadian Plastics Industry Association appreciates the opportunity to provide these comments with respect to the Waste-Free Ontario Act.

CPIA is the national voice for plastics in Canada, representing plastics manufacturers, converters and recyclers. The benefits of using plastics include product light weighting, increased hygiene and cleanliness, decreased spoilage and food waste, durability, convenience and safety, among others.

CPIA is interested in working in partnership with the province and the regulated parties on solutions for plastics recycling and waste diversion that are efficient and sustainable, that provide a high level of environmental protection, and that create economic opportunities in Ontario. To that end, CPIA's sustainability program has a number of dedicated post-use resource recovery projects that focus on increasing the diversion of plastics from landfill through collaborative efforts with partners and stakeholders.

Our strong belief is that plastics are a valuable resource that should not be landfilled. Plastic products can be reused and recycled and their energy recovered after productive use. For that reason, CPIA supports the ministry's aspirational goal of zero waste by 2030 and is committed to working collaboratively with all stakeholders to ensure the plastics industry is a co-operative and contributing partner in achieving this objective.

While we generally support Bill 151 and are in favour of extended producer responsibility, CPIA has also provided a number of recommendations that we believe will assist in achieving our shared goals of increasing recycling and diversion rates in Ontario.

Our first recommendation is to adopt a hierarchy of resource recovery options that includes energy recovery. We urge Ontario to consider all options, including energy recovery, for diverting waste from landfill. As many other jurisdictions worldwide have recognized, there are a wide range of available options to recover resources at the end of the useful life of products or packaging, and Ontario should look beyond just recycling to achieve the full potential of the Resource Recovery and Circular Economy Act.

While recycling is widely recognized as the highest value for end-of-life materials, it is important to note that not all materials can be recycled in commercial markets at the present time. In addition, a circular economy is more than just mechanical recycling; it also includes options such as chemical recycling and the technologies to convert waste to fuel or electricity.

A common misconception surrounding energy recovery is that it detracts from recycling; on the contrary, energy recovery complements recycling efforts. There is data to demonstrate that jurisdictions that employ energy recovery also have higher recycling rates than those without.

Our second recommendation is that Bill 151 have no ambiguity as to the definition of "producer" or "brand holder." Bill 151 currently includes language that states that other stakeholders, such as those supplying convenience and transport packaging, will have the same regulated responsibilities as brand holders.

CPIA and our members are concerned about this inclusion for two reasons. First, the ultimate choice in packaging—whether it be convenience or around the primary product—lies with the brand holder. The material producer and/or packaging converters are typically instructed by the brand holder as to those packaging requirements. Second, the vast majority of transport packaging does not enter the residential waste stream and therefore will not cause a financial or physical burden to the taxpayer.

Our third recommendation is that the ICI sector should be included under Bill 151. However, the model doesn't need to be the same as the residential sector. CPIA recommends that Bill 151 incorporate a requirement that all major ICI sectors listed in regulation 103 be required to collect all types of plastics packaging for recycling.

In terms of our fourth recommendation, we believe that when it comes to measuring overall performance,

Bill 151 and future regulations should include a holistic view of materials management that involves a full-life-cycle assessment of materials, rather than relying solely on the restricted measurement tool of tonnage diverted. Additionally, Bill 151 should not include prescriptive language or requirements that recovered materials be reused for the same or similar purpose as their original state. CPIA is concerned about this potential restriction because many plastic packaging materials that are highly recyclable may not be eligible for reuse in the same applications due to health and safety requirements. Additionally, such a requirement could lead to a potential increase in greenhouse gas emissions as more energy and water are required to clean and prepare the end-of-life packaging so that it is suitable for such applications.

Our fifth recommendation relates to the provincial interests and policy statements. CPIA understands it is the government's intention that the provincial interests be viewed as a set of guiding principles to help direct resource recovery and waste reduction activities in the province. However, we remain uncertain regarding the implementation of these tools and the necessity of including them in legislation. CPIA believes that the development of policy statements, as described in the legislation, provides the minister with too much discretion and, ultimately, limits the government's transparency and accountability. CPIA recommends that concerns stemming from provincial interests which are not already being addressed by other statutes be included in regulation to implement a higher degree of transparency and accountability.

In addition to the information provided today, CPIA will be submitting written comments to the committee that will provide further information on these recommendations, and a few additional points for consideration related to research and development needs, landfill bans and end-markets.

Thank you for your attention. I welcome any questions you may have.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your presentation.

Moving along in the rotation, we are now with the Liberal Party, the government. Mrs. Mangat, I recognize you. Please begin.

Mrs. Amrit Mangat: Thank you, Ms. Friesen, for your presentation. Welcome to Queen's Park.

This legislation, if it is passed, along with our strategy, would boost faster innovation in product and packaging design, and it would also encourage businesses to create long-lasting, reusable and easily recyclable products. What role do you think the plastics industry can play, leading to those changes?

Ms. Krista Friesen: Thank you for your question.

I think the plastics industry has a huge role to play in that development. As I mentioned briefly in my comments, we have been very involved, for decades now, in helping to enhance the current recycling programs in Ontario and across Canada.

I think our members are those who produce the plastic that then gets converted into a packaging material. We don't necessarily have members in the brand-holder space. But, certainly, as the packaging is being developed, I think the industry itself is interested in being a part of the solution when it comes to recycling. It's something that we have supported in the past.

Mrs. Amrit Mangat: Do you think there should be rewards for the good performers?

Ms. Krista Friesen: Well, as the current system exists in Ontario and as we've seen in other jurisdictions, the material that's harder to recycle, that has less infrastructure, typically has a higher fee associated with it. So in terms of rewarding and penalizing, I think the typical EPR program does that through its cost allocations.

Mrs. Amrit Mangat: What type of incentives would you envision that are needed to encourage businesses or to reward businesses?

Ms. Krista Friesen: There actually is a lot of work ongoing right now between existing stewardship agencies, producers and even municipalities to determine how to better manage the material that's being put into the system, whether that's a packaging redesign, whether that's enhancing infrastructure or whether that's increasing education. I think that those three pieces are critical to seeing our recycling rates increase.

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Mrs. Amrit Mangat: My understanding is that, in your presentation, you stated that manufacturers of packaging are not the producers. Is that right?

Ms. Krista Friesen: Yes. That is correct. Our members who produce the packaging—say, a yogourt container that gets produced for a branded company. Those who are turning the plastic pellet into the container don't necessarily dictate—in most cases, almost never dictate—what packaging that material is going to be made from, or the shape or the size. That's on the brand owner to decide, and they tell their suppliers what they would like.

Our members typically fall in the space before the brand owner or in the recycling industry. We want to ensure that our members are not being regulated through future bills, since we have limited influence on the packaging.

Mrs. Amrit Mangat: Just to clarify for myself: What you are saying is that the manufacturer is not the producer?

Ms. Krista Friesen: The manufacturer of the packaging, in many cases, is not the producer. The producer is either the brand holder or the first importer of the product.

Mrs. Amrit Mangat: Okay. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you for your presentation.

ELECTRONICS PRODUCT STEWARDSHIP CANADA

The Vice-Chair (Mr. Jagmeet Singh): Next we have Electronics Product Stewardship Canada: Shelagh Kerr,

president and chief executive officer. You have five minutes for your presentation. Thank you for being here. Please begin.

Ms. Shelagh Kerr: Thank you. Good afternoon, Chair, committee members and Clerk. I'm Shelagh Kerr. I'm the president and CEO of Electronics Product Stewardship Canada. EPSC is a not-for-profit, industry-led organization created to design, promote and implement sustainable solutions for end-of-life electronics. Our membership consists of the 30 leading electronics manufacturers.

We're supportive of the government's proposed legislation contained in Bill 151. However, electronics manufacturers have a number of concerns and recommendations that are detailed in proposed amendments, which have been submitted to the committee for consideration—I believe they're being handed out now. Our members believe implementing these changes will further strengthen the bill and resource recovery efforts in the province. We're hopeful that the amendments can be adopted at the standing committee stage of the legislative process.

Our proposed amendments are divided into four broad categories, which are the resource productivity and recovery authority's governance, mandate and budget; the provincial interest and policy statements; absolute liability; and packaging. I'll provide a brief overview of our concerns and recommendations in each category, beginning with our thoughts regarding the proposed authority.

Our members are concerned with the authority's flexible mandate and the cost associated with its function, as currently described in the bill. We recognize that Bill 151 is inherently different from the Waste Diversion Act, 2002. However, as obligated stewards in the current system and responsible brand holders in the new system, we would like to ensure that the problems that have been detrimental to the efficient and effective management of waste diversion aren't repeated under the Waste-Free Ontario Act.

Part III of the bill would benefit from amendments that aim to prevent future expansion of the authority's mandate and budget, which could be costly and unnecessary for Ontario consumers; increase accountability of the authority's board of directors; and enhance the provisions around compliance and oversight.

We believe this can be achieved by amending the legislation as follows:

(1) legislate that two thirds of the authority's board of directors consist of brand holders;

(2) remove inclusion of "any other act" in the legislation, as this will create an open-ended opportunity for additional legislative and regulatory constraints on industry trying to fulfill their responsibilities;

(3) clearly state within the legislation that the registrar has to operate the registry in accordance with its stated purpose, which is currently lacking;

(4) include stakeholder consultation in the development of the authority's operating agreement;

(5) create a complaint mechanism for brand holders to bring grievances against the authority; and

(6) develop a funding formula or cap on the fees that the authority can charge brand holders and a limitation on the fees that the ministry itself can collect from the authority.

Moving to provincial interest and policy statements: The proposed legislation does not provide enough comfort that policy statements will not be exploited to shortcut the regulatory process. There is a lack of clarity on how the policy statements can effectively tie policy and results back to the overall goals. We're concerned that the policy statements are not grounded in law, and therefore create a grey area in terms of enforcement.

We recommend that this section be repealed in its entirety, because there are a lot of other mechanisms, such as the Canadian Council of Ministers of the Environment extended producer responsibility principles, for example, that could meet the needs of the policy statements.

With regard to absolute liability, the proposed legislation includes provisions for absolute liability of brand holders. We believe that needs to be clarified because all actors are responsible for their own actions, not the actions of others, including contractors. So if a service provider fails to fulfill the requirements of a contract set out between them and the brand holder, the brand holder should not be exclusively liable and subject to administrative penalties. It would be fair to assume that the brand holder took all reasonable steps to fulfill the responsibility, and the failure of another party is not directly their fault; it's due diligence. We would recommend that subsections 89(8) and 89(9) be repealed.

Finally, our recommendations pertaining to packaging: We want to ensure that electronics packaging in the industrial, commercial and institutional sector is not obligated under any provision of this legislation because we believe that the industrial, commercial and institutional waste stream is separate from the residential. We see the two waste streams as being quite separate and that the IC&I stream requires the participation of commercial generators.

Electronics packaging for the IC&I sector should be excluded from obligation, as transport packaging remains with transport companies and is reused many times over before being recycled. Legislating transport packaging will interfere with an established private marketplace. Collecting fees for this type of packaging would increase funding disproportionate to the amount of packaging collected from the stream and inflate targets which couldn't be met. Collecting fees for this type of packaging would also reduce revenues for private company processors who have actualized economic success with this market.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, we've gone over the time. I wanted to give you a little bit of leeway, but we've gone about 35 seconds over.

Ms. Shelagh Kerr: No, that's fine. I was just about to say that that's it, and that we've submitted our recommendations to the committee.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much. Now in the rotation, the official opposition and Mr. Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, to the delegation: Thank you so much for your delegation. It was an excellent presentation.

Our party, as you probably know, believes that the ministry should be dealing directly with the industry to wind up electronics, used tires and the Orange Drop Program, rather than going through Waste Diversion Ontario and, increasingly, the rest of the bureaucratic overlap in waste and mismanagement.

Would you support working with and being monitored by one authority, the ministry, rather than two governmental authorities?

Ms. Shelagh Kerr: Yes. We would overall prefer to deal directly with the ministry.

Mr. Lorne Coe: And do you think they would bring the type of efficiencies that you're seeking?

Ms. Shelagh Kerr: Yes. We've seen that in many other provinces, so we know it's probably the most efficient system.

Mr. Lorne Coe: Thank you for your response.

Chair, to my colleague for the subsequent question, please.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Fedeli.

Mr. Victor Fedeli: In the five minutes, you certainly did not have adequate time to go over some of the rationale for your amendments. Are there a couple of more thoughts that you could put a little meat on the bones of one or two of those amendments? Is that possible?

Ms. Shelagh Kerr: Yes, I think one of the big shifts that we want to see accomplished is a move from what has been a structure of conflict to a structure of collaboration. I think that's the biggest change we were seeking and hoping for here, because there has been far too much conflict on a subject area that everybody wants to progress and see success on.

Mr. Victor Fedeli: Does that happen in the governance side of it?

Ms. Shelagh Kerr: Partly the governance, yes. One thing I didn't have a chance to mention, too, is that we see success being measured at banning our products to landfill and then monitoring the landfill side. We think it's really important that if Ontarians want to see electronics products diverted, that there be a landfill ban.

Mr. Victor Fedeli: Thank you, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much for your presentation.

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REGIONAL MUNICIPALITY OF DURHAM

The Vice-Chair (Mr. Jagmeet Singh): The next deputation is from the regional municipality of Durham: Craig Bartlett, manager of waste operations. Good

afternoon. Thank you for being here. You have five minutes to make your presentation.

Mr. Craig Bartlett: Thank you. Good afternoon, Mr. Chair and members of the committee. My name is Craig Bartlett, and I am the manager of waste management for the regional municipality of Durham.

On February 17, 2016, Durham region council approved report 2016 J6 regarding Bill 151, and it was submitted to the EBR registry, number 012-5832. The region acknowledges the province's efforts to move forward with extended producer responsibility. However, given the lack of detail presented in Bill 151, the region respectfully requests that this committee consider the following.

Municipal role: Municipalities are currently the primary service provider for all recycling and waste collection services for Ontario residents. With the exception of limited take-back programs operated at the retail level, residents look to municipalities to provide convenient, reliable and accessible recycling and waste collection programs. Residential service levels under Bill 151 cannot be permitted to decrease. Residents must receive the same or a better level of accessibility in collection that they currently receive from municipalities.

EPR legislation in Ontario must also include a legislated municipal role to ensure residents have certainty of services during any transition period.

EPR legislation must ensure that 100% of municipal costs are fully covered for all costs incurred for collecting and/or processing designated materials on behalf of the producers. Municipalities cannot be expected to provide services on behalf of producers without full compensation of costs.

Producer costs must also extend beyond what producers divert and also include costs for their designated materials that are not captured by diversion and continue to end up as litter or garbage that must be managed by municipalities. We ask that section 11 of the transition act be revised to specify that municipalities must be paid 50%, at a minimum, of the verified net cost for providing blue box services to producers during the transition.

Municipal infrastructure: Due to the requirements of regulation 101/94, many municipalities have invested significantly in infrastructure to collect and process blue box materials. The investment of taxpayer dollars by municipalities cannot be ignored under a full producer responsibility regime. New legislation must protect taxpayer investment in blue box infrastructure and ensure municipalities are not left with stranded assets.

Diversion and recovery as diversion: There needs to be an improved reporting mechanism to monitor the effectiveness of Bill 151 and its diversion success. Any new diversion metrics must include all the principles of the waste hierarchy, including recovery. Recovery is the extraction of energy from materials that are not recyclable or are otherwise destined for disposal in landfill. Energy recovery from organics in the form of anaerobic digestion is recognized today by Ontario as diversion. Energy recovery from post-diversion municipal solid

waste results in lower greenhouse gas emissions than landfill and is a less carbon-intensive energy source than traditional fossil fuels.

Finally, all waste treatment methods that extract energy from waste should be treated equally. Anaerobic digestion of food waste and energy recovery from non-recyclable waste should both be considered diversion.

Thank you for this opportunity today.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, sir, for your deputation.

Moving now to questions from the NDP, I recognize Ms. Forster.

Ms. Cindy Forster: Thank you for being here today. You're one of the few municipalities here, and we've received some letters that support what you're saying. I was a municipal and regional politician for many years before coming here to Queen's Park, so I know that waste collection and recycling take a big bite out of municipal budgets in any given year. Do you see any pluses for municipalities with the services being moved away from municipalities?

Mr. Craig Bartlett: Through you, Mr. Chair, certainly this is a positive. One of the things that you have to recognize is that, even in the EPR system, municipalities will continue to manage over 80% of the waste, so it's really important that these EPR systems are effective. I joke that I want to be the Maytag Man of waste; I want to be put out of business. An EPR system is only effective if it removes those materials from the stream.

Municipalities have introduced these programs to keep hazardous waste out of our drinking water. It's really important that any scheme that is set up under an EPR system fully recovers all those materials. If not, the municipalities will still be bearing the cost of maintaining that residual material that they weren't capable of removing from the system because it wasn't an 100% effective system. That's really important to understand.

Ms. Cindy Forster: We heard today from a number of the presenters that they want two thirds of this new authority, this new board, made up of the producers of the waste. Do you have comments on that?

Mr. Craig Bartlett: Through you, Mr. Chair, certainly municipalities need a seat at the table. Anything that is not recovered ends up in the municipal stream. It will still be a burden for our taxpayers.

We have been in the business for many years—over 100 years. A lot of the diversion programs that you have here today in Ontario were implemented by municipalities over 30 years ago, not with the intent of making money but with the intent of keeping it out of the water supply chain, keeping it out of landfill and doing the best for the environment. Municipalities are still in this game, doing the best thing for the environment. It's not just about costs.

Ms. Cindy Forster: Currently, if I understood you correctly, municipalities are not recovering some of the costs for the dumping of tires, for example, down roads with no access or on parklands or canal lands. I know that happens in my municipalities. My city incurs those

costs, and they are not able to recover them. Is that what you are speaking to?

Mr. Craig Bartlett: Yes, and a bounty on this material would go a long way in incentivizing folks to treat this responsibly, to return it back to where it should be, and for it to be properly managed so it doesn't end up in those types of locations.

Ms. Cindy Forster: Are you suggesting that the producers would be responsible to pay some of those costs back to the municipality as part of this regulation?

Mr. Craig Bartlett: If the municipality continues to monitor or maintain a system where it exists, we would be wanting to be compensated for those costs that it costs us to maintain that system. So we wanted out completely. If we still have to maintain a portion of it, we want to be fully compensated for those costs.

Ms. Cindy Forster: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for the questions and for the answers. That completes this round.

CARTON COUNCIL OF CANADA

The Vice-Chair (Mr. Jagmeet Singh): We move to the next deputation. We have the Carton Council of Canada: Isabelle Faucher, managing director.

Ms. Isabelle Faucher: Yes.

The Vice-Chair (Mr. Jagmeet Singh): You have five minutes to present; please begin. Thank you.

Ms. Isabelle Faucher: Thank you. Good afternoon, and thank you for the opportunity to talk to you today. My name is Isabelle Faucher. I am the managing director of the Carton Council of Canada. We are a group of carton packaging manufacturers whose mandate is to grow the recycling rate of food and beverage cartons in the country. Our members are Tetra Pak, Elopak, Evergreen Packaging and SIG Combibloc. In case any of you are unsure about what a carton is, I have brought some samples here.

The current waste diversion legislation, the Waste Diversion Act, has not been amended to reflect lessons learned since it was promulgated in 2002. Legislative change on this front is greatly needed. In this sense, the Carton Council of Canada is generally supportive of Bill 151 and views it as a very important and long-awaited legislative reform to grow resource recovery in this province.

We are particularly supportive of requirements pertaining to the collection and management of designated materials, including the government's ability to set accessibility, collection and management standards, as well as the requirement to implement promotion and education programs. We also very much support the establishment of an independent authority to provide data clearinghouse services, along with a clearly defined mandate for oversight and enforcement.

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There are five points that I would like to share with you on how the Resource Recovery and Circular Economy Act can be further enhanced.

Firstly, although we strongly support the government's vision of transitioning to a circular economy, we would like the bill to reflect a more holistic definition of this concept. Transitioning to a circular economy requires us to pay attention to what materials we use to make new products and packaging and how we source them, in addition to making sure that these resources are put back into the productive cycle at the end of their useful lives. Specifically, we would like to see the overarching provincial interest be that Ontario transition to a circular economy, rather than the more narrow interest of having a system of resource recovery and waste reduction, with specific reference to products and packaging made from responsibly sourced renewable materials.

Secondly, a section should be added to the act to ensure the government is empowered to enact disposal bans for all packaging for which end markets exist, including cartons. While disposal bans are highlighted in the strategy as one of the tools to divert more waste from disposal, they are not mentioned currently in the proposed act.

Next, the carton council does not support mandated packaging design requirements on producers, as is currently stated in the section of the act pertaining to responsibilities of obligated persons. Rather, we are strongly in favour of voluntary guidelines that are developed by and for industry, such as the European Committee for Standardization's packaging standards and the ISO packaging standards. These tools, we find, incentivize continuous improvement, foster packaging innovation and are based on life cycle thinking, taking into account both the product and its packaging.

Fourthly, we are pleased that the act allows for the possibility of other recycling value chain actors, such as ourselves, to provide input into the operation of the system. We recommend that the act explicitly refer to packaging manufacturers as being represented on the advisory councils that are to be formed to provide advice to the authority.

Lastly, although we understand that the act is meant to be enabling in nature, effective implementation of the policy direction that it lays out will require carefully crafted regulations. We recommend that the act make explicit reference to the process that will be followed to develop these regulations, one that is highly consultative in nature, which has been the case up to now, and that relies on robust and high-quality data.

Thank you, and with that, I'm happy to take any questions you have.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for that. We now rotate to the government, and we have Ms. Kiwala.

Ms. Sophie Kiwala: Thank you very much for being here today, Ms. Faucher. I do understand that it is a bit of a sacrifice to come here and communicate with us, and I do appreciate your advocacy and your work on this file. It sounds like you've done a lot of background work.

A number of things are coming up for me, but specifically I'd like to ask you about your suggestion of ex-

panding the circular economy and this approach to include sustainable resourcing of raw materials. I'm just wondering if you can elaborate a little bit more on that suggestion.

Ms. Isabelle Faucher: Definitely. We find that aside from the title of the act itself, which contains the term "circular economy," there are very few references both in the strategy and the act itself on the concept of the circular economy itself, because everything is focused on resource recovery: What do we do with the waste that we create once we've used products, packaging, making sure that we are diverting them, putting them back into the productive cycle?

What we're saying is that that's very important, but we also need to pay attention to sourcing of new materials because there are real limits to running an economy only on recovered and recycled waste. For example, you can only use fibre five to seven times in the paper recycling process until the fibre loses its properties. You need to inject new, fresh wood fibres into the process. How that is sourced and making sure that it's done in a responsible, environmentally sound way so that we have natural resources that we can rely on for the long term and we're preserving that natural capital is equally as important. We'd like to have that reference recognized in the act, and we think the most logical place to do that is in the policy interest section.

Ms. Sophie Kiwala: Okay. Thank you. What are the key factors to ensuring the seamless transition of blue box programs to the new producer responsibility regime?

Ms. Isabelle Faucher: I think that it has already been referenced in the strategy document that, really, we want no discontinuation of service to households and residents. We want no diminishing of service levels. We want things to continue as they are in the transition. What that requires, I'm not exactly sure. But we want to make sure that, to the average citizen, things are very smooth and they don't actually notice that there is a transition happening.

Ms. Sophie Kiwala: Thank you. No more questions.

The Vice-Chair (Mr. Jagmeet Singh): Any further questions? No?

Thank you so much for your presentation today.

RETAIL COUNCIL OF CANADA

The Vice-Chair (Mr. Jagmeet Singh): The next deputation is from Stewardship Ontario—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): No; sorry. My apologies. You're right. I was just making sure you're all awake. It looks like you are. Well done.

Retail Council of Canada: Gary Rygus, director of government relations. Thank you so much for being here. You have five minutes to present.

Mr. Gary Rygus: Thank you for the opportunity to speak to the committee today on the Waste-Free Ontario Act and on the Strategy for a Waste-Free Ontario. I am

Gary Rygus, director of government relations for the Retail Council of Canada.

The Retail Council of Canada is the voice of retail in Canada and represents more than 17,000 Ontario storefronts of all retail formats, including department, specialty, discount and independent stores, and online merchants in general merchandise, grocery and pharmacy. Our membership represents over 70% of core sales in Canada.

Retail is Ontario's largest private sector employer. Retail employment represents 11.3% of the province's total labour force, directly employing more than 839,000 Ontarians. The retail sector's prominent role in the economy also means that merchants have a direct impact on the success of many other supporting industries and their workforces, including those in transportation, construction, information technology and financial services, to name only a few. As well, Ontario retailers invested almost \$3 billion in capital expenditures for 2015 and expect to invest a similar amount for 2016.

The proposed Waste-Free Ontario Act, Bill 151, and the supplementary draft Strategy for a Waste-Free Ontario are generally a significant improvement over the government's earlier proposal. We are pleased that the government has addressed some of our previous concerns with the proposed legislation and draft strategy. However, there still are areas left for some fine tuning, if you will.

We believe provincial interests should not be a priority and should not be issued in the first year, as transitioning existing programs to the new model is of higher importance and will quickly result in efficiencies and positive environmental impacts.

While members of RCC are of the view that the proposed Resource Productivity and Recovery Authority is not required and that the ministry could provide on its own an independent and robust oversight and compliance approach for all stakeholders, we are satisfied with the ministry's intention to move away from the current WDO structure.

The draft legislation must clearly define safeguards to protect confidential and commercially sensitive information that would be required to be submitted by registered retailers. We strongly suggest that commercial information must be protected and must be limited to publishing general outcomes.

There is a need for a percentage cap on fees that the authority can charge. Fees charged by the authority should not exceed 1% of total fees. In addition, RCC members contend that the board of authority needs to be skills-based, professional, unbiased, independent and well trained, inclusive of representatives from the sectors being governed. Directors on the board should include retail representatives with a finance and/or logistics background, as well as individuals with an environmental science background, to understand how the physical processes to maximize diversion from landfill and reduce greenhouse gases are required for effective cost control.

RCC members strongly recommend simplifying and harmonizing the definition of an obligated steward, en-

suring that the same definition applies across all programs. In addition, if retailers are part of a collective, they are opposed to having retailers continue to bear all liabilities. RCC members believe belonging to a collective should be sufficient to discharge the retailers' obligations as contained in Bill 151.

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Retailers support the legislation being silent on fees, and believe that this area should not be up for scrutiny under the provincial interest and policy statement sections of the legislation. Organizations such as collectives will need to be backed by a significant share of the obligated stewards in order to be approved going forward. RCC members will not support increasing producers' funding above 50% of the current cost structure unless reciprocal transfer of control to stewards takes place. Elimination of in-kind contributions for newspapers must take place as well.

Before designating new materials' commodity value, economic opportunities, infrastructure capacity, experiences in other jurisdictions and the need for harmonization in neighbouring jurisdictions need to be considered. Some of the products proposed in the strategy have never been implemented in other provinces. RCC recommends that an analysis be conducted at the landfill level to provide up-to-date data on what is currently disposed in landfill sites.

Data collection for industrial, commercial and institutional waste is also required as they can often be generating significant amounts. Accurate data is critical to determine if there is an issue and the source of the issue, at the landfill level. RCC believes the IC&I sector should not be included in the residential waste streams. RCC also strongly suggests not designating new material at this time, considering the work that will be required to transition current programs over the next couple of years.

The retail sector does not agree with the statement that the IC&I sector is not performing well. Rather, there is a data accessibility issue that needs to be resolved first. In fact, a recent study conducted by the Recycling Council of Ontario indicates a 56% diversion rate for the office and retail sectors in the province, which is among the best performance for the IC&I sector in Canada. Many retailers already track their waste diversion performance by conducting waste audits.

That brings us to the organics action plan: 50% of organics generated in the waste stream come from consumers and their decisions over how to manage their food supplies, and it's largely out of the retailer's control. RCC and its members believes that the focus should be on educating and raising awareness with consumers regarding food waste as part of any action plan development.

RCC looks forward to participating in future consultations and discussions with the government and other stakeholders on this important issue. Finally, for specific legislative changes, please review the submission that we've submitted to the government.

Thank you for your time.

The Vice-Chair (Mr. Jagmeet Singh): For questions, we'll rotate to the official opposition: Mr. Coe.

Mr. Lorne Coe: Thank you, sir, for your delegation. I'm on page 2 of your presentation, and it's under "Oversight, compliance and enforcement." It says, "the draft legislation must clearly define safeguards." What type of safeguards would you anticipate be present?

Mr. Gary Rygus: Well, I think, the commercial-sensitive documentation—

Mr. Lorne Coe: I need you to get closer to the mike, please, so I can hear you.

Mr. Gary Rygus: —that stewards are going to be required to submit: We just don't want that information to be transmitted to the public. From our perspective, it's important. Retail, as most businesses are, is very competitive. That information is golden to competition. I think what you want to do is convey a message—a storyline, if you will—of a general improvement. After all, at the end of the day, it's all about diversion.

Mr. Lorne Coe: Okay. Thank you for that answer. One other quick question: On page 4 of your presentation, you talk about, "Before designating new materials commodity value" and so forth, "the need for harmonization in neighbouring jurisdictions need to be considered." What are some of the best practices in neighbouring jurisdictions that you've seen out of the research that you've done?

Mr. Gary Rygus: Well, first, it goes without saying that you have to have the data before you make decisions. Some of the suggestions in the strategy talk about bulky items, I believe, and carpets. Those types of new materials, if you will, haven't been implemented anywhere else. So we'd be leery of doing that before the appropriate study and informational research has been done.

Mr. Lorne Coe: Thank you. To my colleague, please.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Fedeli.

Mr. Victor Fedeli: Welcome again, Mr. Rygus. I wanted to go to your last page, the "organics action plan." When you talk about the organics coming from consumers, and that that's out of your control—why do you bring that up? I'm just not familiar with that here.

Mr. Gary Rygus: The organics piece is grocers, in general. We also represent the grocery industry, and I think a lot of the commentary in today's marketplace, social media and what have you, is talking about how you need to have tighter control in the grocery sector. I would suggest to you that the only area where there has been a reduction in overall food waste has been through the supply chain that the grocers use.

A lot of it is going to be raising the awareness at the consumer level: what "best before" means, "best by" dates, how to handle your food in refrigeration processes, and that kind of information. We may not all be up to speed. I know I'm not, and I'm sure a lot of people in Ontario are not as well.

Mr. Victor Fedeli: Thank you. Through you, Chair: When I served as mayor of the city of North Bay for those two terms, we handled that so differently, our

organics. We did not pick up organics. We encouraged them to come to the landfill, and we captured the methane. First we trapped it, and then we flared it under the old PERRL program. Once we could afford it in our two-phase program, then we bought a multi-million-dollar generator, and we now manufacture 1.7 megawatts of power from the methane. I think there's about 40 years' worth of methane there. We've even gone back to our old landfill.

Some municipalities take a different way; they collect organics. To me, the real way to handle it is to do what we did and generate power from it.

Mr. Gary Rygus: I can't argue with you at all. I think all options should be looked at, and the ones that work appropriately in the respective municipalities should be encouraged.

Mr. Victor Fedeli: Okay. Thanks, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for the deputation.

STEWARDSHIP ONTARIO

The Vice-Chair (Mr. Jagmeet Singh): Now, without further ado, we are going to hear from the Stewardship Ontario deputation. Debbie Baxter, I believe, is the deputant, and the chair of the board of directors. Thank you very much, Ms. Baxter. You have five minutes to present.

Ms. Debbie Baxter: Thank you. Good afternoon, Mr. Chair and committee members. I'm appearing before this committee because I am the chair of Stewardship Ontario, an industry funding organization established under the current Waste Diversion Act. Stewardship Ontario operates the Blue Box Program and the municipal hazardous or special waste program, which operates under the consumer-facing name Orange Drop.

There are three key messages that I would like this committee to hear from us today. First, we support the concept of the circular economy, which dictates that control of materials must be assigned to those parties that distribute those materials into the marketplace. Secondly, we believe that any increase in producer funding must be paired with a commensurate increase in control over recycling operations, enabling producers to manage outcomes and costs. Thirdly, we support passage of the Resource Recovery and Circular Economy Act as is, and believe that it should be sent back to the Legislature for third reading without amendments.

Stewardship Ontario has distributed over \$1 billion to municipalities to support blue box recycling. Over 95% of Ontarians participate in blue box recycling programs, contributing to the diversion of 900,000 tonnes of valuable resources from landfill each year. The Blue Box Program operates as a transfer payment program whereby producers provide payments to municipalities, and municipalities have full autonomy in how they operate their local recycling programs.

This has resulted in over 200 individual blue box systems operating throughout the province, each making

decisions about what materials their residents may recycle, how to educate their residents on proper behaviour, when and how a resident may set out their materials for collection, and the end markets to which they sell recyclable commodities.

Today, a resident living in Thornhill, with a cottage in Durham region and a family in Cambridge, is confused about what materials they can recycle, because each local government runs their programs differently. Because local governments are making decisions about where to sell recyclable commodities, producers are restricted in their ability to operate within a circular economy today.

Most large producers have aggressive sustainability mandates, and a common thread is a target to reduce waste. The Waste-Free Ontario Act sets out a framework for producers to accept full responsibility to manage the printed paper and packaging they supply, enabling them to achieve their corporate sustainability mandates.

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Stewardship Ontario supports the direction taken with the Resource Recovery and Circular Economy Act and applauds the foresight of the legislators in creating a framework that clearly recognizes and appropriately assigns roles and responsibilities for Ontario's residential recycling systems.

Stewardship Ontario supports the premise of the circular economy that requires the control of valuable resources, such as packaging materials, to remain with the producers who put these materials into the marketplace.

Stewardship Ontario supports the alignment of responsibility, authority and accountability with the producers who pay for this service.

Stewardship Ontario supports the transfer of operational responsibility for packaging and paper to producers, as well as the increased financial responsibility that comes with that. Producers cannot be held responsible for recirculating resources into the economy if they do not control the material flows from beginning to end.

We support the immediate transition of the MHSW program.

We support the orderly transition of the Blue Box Program as outlined in the draft strategy. The strategy provides ample consideration for a smooth transition achieved through co-operation amongst all parties whereby roles and responsibilities between municipalities and producers are reassigned while ensuring no disruption in service to Ontario residents.

We support an immediate review of regulation 101/94 once legislation is passed. This reg must be amended and/or repealed to ensure that recycling responsibilities can be assigned to producers.

Stewardship Ontario, on behalf of stewards, will play an active role in ensuring that smooth transition with continued service to our consumers.

We do not support allowing an increase to the amount producers have to pay for blue box services to an amount greater than the current 50% without a corresponding increase in producer control over recycling services.

In conclusion, Stewardship Ontario supports the idea that manufacturers of products that end up as waste should be fully responsible for recovering and reusing that material in a circular economy.

We support legislation that will enable producers to work in a commercial partnership with municipalities and the private recycling industry to modernize recycling in Ontario. Municipalities should be encouraged but not required to provide collection services to their residents based upon competitive commercial terms and/or agreed-upon standards.

We support an expanded, universal list of packaging and paper materials that can be left at curbside in every Ontario community, without exception, to satisfy consumers' expectations that all packages and paper should be welcome in their blue box. Consumers should have access to a first-class recycling system with the economies of scale necessary to support capital investments in modern technologies that are critical to effectively recycling the volumes of more modern packaging materials.

We support a Blue Box Program with specified performance targets on the condition that producers are able to exercise control over the recycling system, allowing them to achieve established performance targets.

Thank you for allowing me to present to this committee.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your presentation. In rotation, we'll move now to the NDP. I recognize Ms. Forster.

Ms. Cindy Forster: Thanks, Ms. Baxter, for your presentation. There was a presentation before you with regard to organics: that organics should be the sole responsibility of the people who buy the groceries. What kind of comments do you have about that?

Ms. Debbie Baxter: Organics are actually outside the scope of the blue box and the municipal hazardous waste program. To be honest, I don't have a comment on that.

Ms. Cindy Forster: Okay. The other thing that came to mind in your presentation—your proposal is basically that producers take it over, be responsible for it, pay the costs.

I know that some of the municipalities have direct employees who work for the municipality and pick up the recycling and do those kinds of things. Has there been any discussion about how that is going to work? What's going to happen to that workforce? Where are they going to end up? Are they going to end up in jobs making just over minimum wage in the process?

Ms. Debbie Baxter: We would not anticipate that there was a disruption in that model or any change to the jobs, etc., in the municipal sector. From our perspective today, we pay for a portion of the cost, and municipalities are executing that pickup at curbside. We would expect the contribution that producers would make to escalate, but we would also want to have control over the governance of the program, not necessarily the delivery and pickup and all of those activities. Those could still be operating in a similar fashion.

Ms. Cindy Forster: With respect to the composition of the board of the authority: Any comments on that? There have been some suggestions that it be two thirds producers and one third others.

Ms. Debbie Baxter: I think that from a best-practices standpoint, our position would be that we would support skills-based, merit-based positions on the board, and look for appointments that were aligned with that—financial knowledge and different things like that.

Ms. Cindy Forster: Okay, thank you.

The Acting Chair (Mr. Victor Fedeli): Thank you very much, Ms. Baxter.

TOWN OF INGERSOLL

The Acting Chair (Mr. Victor Fedeli): We'll now move to the town of Ingersoll.

If you would both state your names.

Mr. Ted Comiskey: Certainly. My name is Ted Comiskey. I'm the mayor of Ingersoll.

Mr. Bryan Smith: And I'm Bryan Smith.

The Acting Chair (Mr. Victor Fedeli): Your Worship, please proceed.

Mr. Ted Comiskey: Mr. Chairman and committee members, thank you very much for the opportunity to speak on the Waste Free Ontario Act and the Circular Economy Act. Let me be clear from the outset: Both of these are pieces of legislation I support and endorse. To my right, like he said, is Bryan Smith. He is the chair of Zero Waste Oxford. I am the mayor of the town of Ingersoll and also an Oxford county councillor.

Being a small-town boy from southwestern Ontario, I'm always impressed when I come to grand buildings such as this. When I venture into the big city, I notice that there are renovations going on here. When it comes to the trash created by these renovations and restorations, I do not want that waste in my backyard. My citizens do not want that waste in our backyard. Zorra township and South-West Oxford township do not want a proposed landfill in their area. People in Oxford county do not want another landfill. We are not welcoming hosts.

We have to get rid of the notion of burying our trash in the ground. That is outdated and antiquated technology. Unless the province lays down some firm timelines, waste will continue to be planted in the ground. That is why implementing these pieces of legislation in a timely manner is vital.

I spoke to the city of Toronto's public works committee about not wanting waste from the GTA in my backyard. I pointed out that if they really wanted to bury the garbage, there is an old quarry on the corner of Christie and Bloor Streets called Christie Pits that has been used as a temporary dumpsite in the past; make it permanent. Needless to say, the suggestion met with a great deal of public outcry from the people who do not want their trash buried in their backyard. My question to them is: If they do not want their trash buried in their backyard, why should I have to accept their trash in my backyard?

The long-range waste management strategies of Toronto, York and Peel region all call for the need to find another landfill to bury the garbage. They are not really serious about the focus of these bills—reduction, reuse, recycling, repurposing and recovery. There were all sorts of promises made back in the early 1990s, when Toronto was scouting around for another hole in the ground and there needed to be an elimination of landfills.

By having landfills in their long-term plan, they have given themselves an out. They can say, "We did everything we could, but could not eliminate all of the waste." They had an out. Without the "out," they would find a way. I can guarantee it. If the major urban centres do not find a way out, I can guarantee that the private companies will, because there is money in garbage.

In Oxford county, we have established a zero waste policy to be in place by 2025, which means that any trash produced in the county will stay in the county and be dealt with in the county. We have started working on programs to help preserve our landfill to last to 2100. Our goal is: We will not need a landfill, because everything will be dealt with.

In the meantime, we are considering programs such as tearing apart items that are picked up during our annual large material collection when they arrive at our waste management facility. Think of a couch and the amount of space it consumes. Now think of a couch broken down, with the metal taken out and the wood removed as well as the material.

We know that there may be programs to handle waste that may have to be done on a smaller scale or even on an experimental basis. Bring your ideas to Oxford county. We are striving to become the world's environmental leaders in waste management and renewable energy. We want to take the lead. We will be happy to work with you to help implement Bill 151 any way we can, but we need it done quickly.

Let's face it, folks: Dumps leak. And when dumps leak, the leachate will find its way to the water table, destroying any drinking water for hundreds of thousands of people. We're on well water. A dump near Ingersoll would be in a limestone quarry, which is extremely porous. The polluted water would end up in the Thames River and flow towards London. I know that in the scale of things, people might not think that 12,000 people being stressed and upset is a big deal, but if hundreds of thousands are stressed and upset, it is a big deal.

1550

If I am to read the legislation correctly, a waste diversion program could be created and, if approved by the minister, take on responsibility of figuring out how to reduce, reuse, recycle and recover goods from waste, as well as doing research and development activities to manage the waste, develop and promote products created by diverting the waste, and by education.

In Oxford county, we are not playing NIMBY, or "not in my backyard." We are willing to deal with all the trash created by Oxford county and get to zero waste. We are more than happy to do that, but it does seem counter-

productive for Oxford county to expend all these efforts and money to do it when we have suddenly become the potential home of the third-largest dump in the province.

In conclusion, I want to thank you for your time and patience. I will congratulate you on working co-operatively on these important pieces of legislation. I ask you that you move quickly on adoption, enactment and enforcement to protect people from the unnecessary need for landfills.

Finally, I want to invite each and every one of you to come to Oxford county. We would be happy to show you around so you can admire our rural beauty, attend the zero-waste Canterbury Folk Festival, and discuss opportunities that will help enact the Waste-Free Ontario Act and the circular economy act as quickly as possible.

We have an opportunity here in Ontario to stop landfills now. Let's use that energy and knowledge we have.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Your Worship. Thank you very much for the deputation.

Moving in rotation to the government side, I recognize Ms. Albanese.

Mrs. Laura Albanese: Your Worship, thank you for presentation and for the passion that you have towards this zero-waste strategy and towards a waste-free Ontario.

I want to say that I represent a riding that is here in the city of Toronto. We have the garbage transfer station, and many of the parks in my area are on old landfills. We even have a school where the students play on a field which they can never level it out because it was an old landfill. So I understand your frustration.

I wanted to ask you: Do you think that this proposed legislation and the draft strategy provide enough support—strong support—to the town of Ingersoll and to the county of Oxford in achieving this zero-waste target?

Mr. Ted Comiskey: Yes. I believe that the direction is there and the drive is there. What it needs—it's a timing thing. That's what I'd like to say and impress upon you. Everything has a timing factor. The longer we postpone, or the longer we do not make some things mandatory within the legislation, the longer we ease off on entering into some of the programs we are—to allow private industry to be able to look at some of the projects that are available to them. The longer we take, the longer we have to rely upon landfills. We know that Ontario has a phenomenal number of landfills in existence, and we know where their capacity is. We know that, down the road, if we keep on the direction we have been going in, we're going to need more landfills to get to the point where the zero takes over.

We have the opportunity to say, "Hey, no more landfills as of today." You would say that necessity is the mother of invention. I would say that legislation to say that there aren't going to be any more landfills would be the mother of invention, because if you cannot put it in the ground, you're going to find another means of recycling, reusing and reclaiming. I think that if the municipal-

ities and the government cannot direct and find sources for these means, then I'm certain that private industry can.

Mrs. Laura Albanese: Okay. I had one more question, if I have enough time.

Mr. Ted Comiskey: Sure you do.

Mrs. Laura Albanese: Well, I'll have to ask the Chair.

The legislation outlines skills-based criteria for the selection of the initial board. Do you have any suggestions of any additional criteria that maybe could be useful to what you're trying to achieve?

Mr. Ted Comiskey: Could you start your first question—the first part of it I—

Mrs. Laura Albanese: The proposed legislation outlines skills and criteria for the selection of the initial board. The initial board will have some skills that are outlined in the legislation. I'm trying to ask you if there is any additional feature that you would like to see added to that criteria.

Mr. Ted Comiskey: I think that when you have landfills so close to municipalities, thoughts and ideas come up more readily than if it's far away. I'm sure that the farther away a landfill is, the less people are concerned about it. I know that Toronto is very concerned about a landfill, and they're worried about the procedure, but it's so far away—potentially in Green Lane, which is 100 miles away, or Ingersoll—that, really, the concern of the people is, "As long as it's not my backyard."

I think that having those board members or those people who are interested to be on board—those people who are surrounding landfills; those people who are going to potentially receive the damaging effects of landfills, whether it's through air, soil or water—if I'm answering the question correctly, board members should have a stake in it, in a sense of "Where does this continue? Where does it go from here? How can we prevent this from happening? How can we reduce what's going in there now?"

I think what we have to do is analyze what's going into our landfill and, then, certainly let municipalities and private companies take a look at it and say, "How can we deal with that?"

Mrs. Laura Albanese: Okay. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much, Your Worship. That completes our time.

Mr. Ernie Hardeman: Chair, on a point of order.

The Vice-Chair (Mr. Jagmeet Singh): There's a point of order.

Mr. Ernie Hardeman: In the interest of full disclosure, I would like to point out that the landfill that the mayor is talking about is in my backyard too. I want to thank him for being here to speak in opposition to it, and I do wish him well. Thank you very much for that presentation, because I don't want it in my backyard, either.

The Vice-Chair (Mr. Jagmeet Singh): Well, that's certainly not a point of order, but thank you so much, Mr. Hardeman.

Mr. Ted Comiskey: Vice-Chair, thank you for being patient and thank you for the opportunity.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Your Worship.

COVANTA DURHAM YORK

The Vice-Chair (Mr. Jagmeet Singh): The next deputation will be from Covanta Durham York. I notice some folks coming forward. Do we have Paul Gilman and Scott Henderson present? Yes? Excellent. You have five minutes to present. Thank you so much for being here. Please begin.

Mr. Paul Gilman: Thank you, Mr. Chair and members of the committee for the opportunity. My company has been in the business of assisting communities and businesses for over 30 years, trying to find more sustainable ways to deal with their waste and the materials of that waste. We're here today to really try and underscore for you the beneficial consequences of passing the legislation that's before you.

I will refer to the European Union, who have sort of led us into this arena with their own policies in packaging and efforts to reduce landfilling. The waste sector has actually been the sector in the European Union economy that has had the greatest greenhouse gas reduction: over 34%.

I think that Ontario has the potential to do similarly with legislation like this and your efforts. Currently, the province is landfilling 76% of its waste. That's over nine million tonnes of waste. There is the potential to reduce the greenhouse gas emissions that flow from that landfill waste, which creates methane. Even with methane-capture methods, oftentimes somewhere between 50% and 25% of that methane escapes into the atmosphere—a very potent greenhouse gas, much more potent than even CO₂. Current scientific estimates are that it's 38 times more potent in creating that greenhouse gas effect.

With the opportunity to try and reduce landfilling, increase recycling and what's left in between—energy recovery, anaerobic digestion, composting and the like—the province really has an opportunity to save over eight million metric tonnes of greenhouse gases by saving the energy that goes into making new materials for things that aren't recycled and by avoiding the generation of methane gas.

That amount of greenhouse gas reduction may not be easy to relate to, but if you convert it to something we're all a little bit more familiar with, you see that we're talking about the equivalent of taking 1.7 million cars off the roads, annually. So I'd put to you that doing something significant in terms of the stewardship of our waste and moving more towards a circular economy is not just good for the economy, but it's also very beneficial for our climate and for our energy use as well.

Thank you for this opportunity.

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The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for the deputation.

We now move to the official opposition. I recognize Mr. Coe.

Mr. Lorne Coe: Thank you, Chair, and through you to the delegation: In your presentation—it's the second-to-last page—it begins with the sentence, "Therefore, we recommend that the government include specific regulatory mechanisms to maximize diversion and minimize the environmental impact of landfills to the environment." Can you speak specifically to what you think they ought to be?

Chair, I should disclose that I was a regional chair in the region of Durham for 13 years, when we made a decision concerning Covanta.

Mr. Paul Gilman: Thank you for the question. In our experience, the success of places like the European Union is that they have been setting binding targets for the different sectors that they want to see, whether it be recycling or energy recovery, and a specific target for landfilling for the future.

I don't know that I would necessarily make a recommendation for the province; that certainly is something that the envisioned process could explore. But a general rule of thumb for many places in our modern world is to try to achieve a recycling rate on the order of 65%, with landfilling of no more than 10%, and doing some form of energy recovery in between.

Mr. Lorne Coe: Thank you for your answer. To my colleague, Chair, through you.

Mr. Victor Fedeli: On the last page, you end with, "If Ontario really wants to divert more waste from landfills, create jobs and help fight climate change, it should follow the best practices suggested above." Can you give us a couple of specific examples of precisely what it is you do?

Mr. Paul Gilman: What we do as a company is one thing; what I would say for the waste sector is that it's a number of things. You are, with your legislation, anticipating them by saying, "What can we do to increase our recycling?" That's complicated by the fact that commodities and markets of the modern world help dictate just how successful that recycling program will be. To try to minimize landfilling, that can include organics diversion for anaerobic digestion or for energy recovery, as the regions of Durham and York have pursued.

So I would not suggest that there is a specific route for any given province, state or country. I think you need to look at what your current system does well and improve upon that. But I think we can all agree that there's room for improvement in our recycling programs and room for improvement in our energy recovery, and certainly, we can make an effort to reduce waste going to landfills.

Mr. Victor Fedeli: Can you give me an example of energy from waste? A couple of examples, then?

Mr. Paul Gilman: Sure. Anaerobic digestion is when organics are taken, placed in a container and, if you will, allowed to rot in a controlled fashion where you can get complete capture of the methane. You also then have the residual that's left that, depending on the system you use, can be used as a fertilizer or other enhancement in the agricultural sector.

The facility that the regions of Durham and York have, which we operate for them, is a facility that takes the residual after recycling and combusts it, converts it to steam and uses that steam to make electricity. Other facilities use the steam in industrial processes, for example.

Mr. Victor Fedeli: Thank you, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Fedeli.

Thank you very much for your deputation.

CANADA'S NATIONAL BREWERS

The Vice-Chair (Mr. Jagmeet Singh): We now move to Canada's National Brewers: Brian Zeiler-Kligman. Are you present, Canada's National Brewers?

Mr. Brian Zeiler-Kligman: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. I see you there.

Thank you so much, sir. You have five minutes to present. You may begin when you're ready.

Mr. Brian Zeiler-Kligman: Honourable Chair and members of the committee, thank you for the opportunity to address you today on this important piece of legislation. My name is Brian Zeiler-Kligman, and I am vice-president of sustainability for Canada's National Brewers, which I'll be referring to as CNB.

In my remarks today, I will outline CNB members' packaging management, and I will also address the proposed Resource Productivity and Recovery Authority. Further details can be found in the submission provided to the Clerk.

Canada's National Brewers serves as the trade association for Labatt Breweries Ltd., Molson Coors Canada and Sleeman Brewing and Malting Co. Ltd. Each company's largest brewery is in Ontario, with our members owning and operating five breweries in the province. In 2014, CNB member companies brewed the equivalent of 92 million cases of beer here in Ontario, thereby directly employing over 2,000 skilled workers and paying over \$150 million in wages and benefits annually.

CNB member companies also purchase from over 2,000 local suppliers, representing over \$400 million in economic activity. The members of CNB, together with about 20 other Ontario-based brewers, participate in the operation of the Beer Store.

CNB members strongly support the Ontario government's move through Bill 151 to embrace the circular economy. Since the end of Prohibition in 1927, through the Beer Store and its predecessors, CNB member companies have been driving a fully cost-internalized packaging management system built upon the refundable container deposit as an economic incentive for consumers to return empty containers and their associated secondary packaging. The Beer Store's deposit-return system is the basis for the most successful consumer product circular economy system in Canada.

In 2014-15, the Beer Store collected containers and associated packaging from 879 retail locations and over

19,500 licensed bars and restaurants. As a result of this extensive coverage, the Beer Store recovered over \$1.6 billion—that's with a B—beer containers, achieving a 91% overall recovery rate. In addition, the Beer Store reports collecting more paper and plastic packaging than was generated as packaging for these beer containers. As a result, the Beer Store not only diverts from landfill nearly all beer containers sold, but also has a net positive impact on the blue box system, further adding to waste diversion and resource recovery here in Ontario.

The Ontario government also benefits from this circular economy infrastructure, having contracted the Beer Store since 2007 to be the service provider for the Ontario deposit-return program, covering other beverage alcohol containers sold through the LCBO. Piggybacking on its beer packaging management system, the Beer Store makes all necessary arrangements for recovered LCBO containers to be consolidated, transported and properly recycled in high-order recycling applications, almost all of them here in Ontario.

In 2014-15, 78.5% of the over 404 million ODRP containers sold by the LCBO were recovered. Since the program began in 2007, over 2.5 billion ODRP containers have been returned to the Beer Store for the deposit refund. In 2015, the Ontario government renewed the program for another 10 years.

In concert, the Beer Store's beer packaging management system and its provision of ODRP container redemption and recycling services to the LCBO results in overall waste diversion of almost 407,000 metric tonnes of beverage alcohol containers and secondary packaging from municipal waste systems. This is equivalent to over 45% of the total material collected through the blue box system in a year.

As a complement to Ontario's Blue Box Program, the Beer Store's beverage alcohol packaging recovery, reuse and recycling system avoids about \$40 million in municipal waste management costs annually.

The Beer Store packaging management system exemplifies the environmental performance the Ontario government seeks to foster through the passage of Bill 151: exemplary, long-standing commitment to the highest possible environmental outcomes, with packaging management costs fully borne by producers and their consumers.

Like many of those making submissions before you, we believe the Resource Productivity and Recovery Authority can be an effective oversight body. The key to success is ensuring the authority's mandate is narrowly focused. A clear and specific scope will ensure the authority is truly effective in enforcing compliance while keeping costs reasonable for the regulated community. The authority's costs and fees must be transparent with accountability measures to producers in order to limit their obligations.

Thank you once again for the opportunity to present to you today. I look forward to your questions.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your deputation. We now begin the rotation with the NDP. Ms. Forster, I recognize you.

Ms. Cindy Forster: Thanks so much for your presentation. Of the percentage of sales, what percentage are you actually having returned?

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Mr. Brian Zeiler-Kligman: On the beer side, last year it was 91%. On glass bottles it's around 97% to 98%, and it's in the lower 80s with metal cans. On the other beverage alcohol containers, it's 78.5%.

Ms. Cindy Forster: And can you also return the cartons?

Mr. Brian Zeiler-Kligman: You can, yes.

Ms. Cindy Forster: You can. And is there a deposit return for those as well?

Mr. Brian Zeiler-Kligman: There's no actual refund associated with them, but we end up getting so much back that we actually recover more packaging than the industry generates.

Ms. Cindy Forster: Right.

Can you see an expanded role for other plastic products in the province? I know that more than 20 years ago, when I lived in Alberta, you could return two-litre plastic bottles and other size pop bottles and those kinds of things instead of having them either go through the recycling process or into the landfill.

Mr. Brian Zeiler-Kligman: Well, Ontario is a bit of an anomaly in Canada. Most other provinces have deposit-return programs for all of their beverage containers. In Ontario, it's just beverage alcohol; it's a voluntary program for the beer industry and then a contract with the Ontario government for the other beverage alcohol containers.

We have gotten that question quite frequently about collecting other materials, and certainly there are conversations that could be had on that. Ultimately, though, it is also recognizing that we are a retail store and we already collect almost two billion containers a year, so collecting the billions of other containers that are out there would be quite a task.

Ms. Cindy Forster: So you're not only supporting the circular economy but you're actually acting on it at the moment.

Mr. Brian Zeiler-Kligman: Indeed. The entire program is actually, first and foremost, an economic program in order to recover the bottles so that they can be refilled. The average bottle is refilled 15 times. Again, it's all for the recovery cost of the bottle for the producers to bring down production costs.

Ms. Cindy Forster: In closing, I actually just want to congratulate the Beer Store as well for the work they do with community charities. I know in my community they support all kinds of youth groups with barbecues that encourage recycling, and they encourage people to actually give the proceeds of their returns to different boys' and girls' clubs and different charities in my community. I know they do that across the province, so it's great work that you do.

Mr. Brian Zeiler-Kligman: Thank you very much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your presentation, sir.

CITY OF TORONTO

The Vice-Chair (Mr. Jagmeet Singh): We will now move to the next presentation. We have the city of Toronto, and the representative is Jaye Robinson.

Ms. Jaye Robinson: Good afternoon, and thank you very much for allowing us to speak today. My name is Councillor Jaye Robinson and I'm the chair of the Public Works and Infrastructure Committee at the city of Toronto.

The Vice-Chair (Mr. Jagmeet Singh): Councillor Robinson, before you continue, can you just also introduce—

Ms. Jaye Robinson: I will, and thank you very much. I'd also like to introduce our director of policy, planning and support for our waste management team. This is Vince Sferrazza. We'll both be here to speak and take questions. We'll try to move very quickly because I know we have limited time.

I'd like to begin just by stressing that the city of Toronto supports Bill 151's intention to establish full extended producer responsibility in the province of Ontario, a model where the polluters pay. It's great news.

Waste management and diversion is a major issue for Toronto, as well as municipalities across the province. I'm pleased to advise that the city of Toronto has worked closely with other municipal organizations to provide the province with a single unified municipal voice. Our position, comments and recommendations align with those provided by the Association of Municipalities of Ontario, the Regional Public Works Commissioners of Ontario and the Municipal Waste Association.

For EPR to properly reflect "polluters pay," Bill 151 must shift 100% of the total cost for management of producer waste from the city to the producer. This includes collection, processing costs, litter management and any required final disposal, whether it be blue box materials, organics or garbage.

As currently drafted, Bill 151 gives the province the flexibility to set financial responsibility requirements for designated materials such as blue box material at less than 100%. The bottom line is that we want to avoid downloading additional waste costs to the city of Toronto, its residents and its taxpayers.

The city of Toronto has several specific concerns with the current bill, and I'd like to briefly outline these. We've also provided a detailed written submission with the requested amendments, and hopefully that's before you.

Our first concern is in regard to establishing extended producer responsibility. We're concerned that the proposed Resource Recovery and Circular Economy Act does not actually create a full, 100% EPR regime. Not all waste materials and their producers will be subject to EPR—only those waste materials that the ministry designates through regulation. For EPR to cause the producer to incur the cost of collection and processing, it solely relies on the consumer disposing of the product in a producer-controlled bin or depot. If this doesn't

happen, municipalities collect and process at their own expense. Municipalities need to be formally recognized within the bill for providing essential waste management services, and we need to be fully reimbursed for these costs.

Without the province's commitment to full EPR, we have concerns that producers may be able to meet their diversion obligations through packaging light-weighting or material changes, potentially resulting in additional materials being landfilled. For example, what if a producer changes their packaging from something that could be recycled but now that material goes into the garbage bin? This means that Toronto and other municipalities would keep on paying for the management of producers' packaging and designated items. Diversion rates could also suffer, and as a result, the province's zero-emission goals would not be met.

The second area of concern for Toronto relates to fair compensation for blue box reimbursement and funding. The Waste Diversion Transition Act language regarding blue box payment fails to address a long-standing conflict between municipal governments and producers. Under the current Waste Diversion Act, 2002, producers are required to pay for 50% of program costs. Over the years, municipalities and producers have disagreed on what is to be included in the definition of "program costs." Municipalities say that program costs include the actual costs spent. Producers say that the program costs only include actual costs up to a cap. The end result is that municipalities have often received less than 50% of their actual costs. In 2014, municipalities and producers arbitrated the issue and the arbitrator awarded municipalities 50% of their actual costs. Despite this result, producers have not agreed that they will pay 50% of the actual costs in future years.

Our concern is that the Waste Diversion Transition Act uses the same open language of "program costs" as the current Waste Diversion Act. There is no clear definition on how to calculate these costs, meaning that it will continue to be a subject of dispute between municipalities and producers. We're hoping that you'll help us address this.

The third thing is that we are also concerned about how municipalities will be consulted. The bill does not establish any formal role for municipal governments during the transition period, and consultation opportunities are limited during the new EPR program development. For example, in terms of regulations, both the RRCEA and WDTA do not provide municipalities with any formal advisory role. They are also unclear as to whether the draft regulations will need to be posted to the Environmental Registry for public review and comment. Since municipalities will be affected by any policy and/or regulatory changes, their role in consultations needs to be absolute and clearly defined.

The last major area of concern I'd like to speak about is the issue of penalties and fines allocation. There is also no formal requirement in the bill for the province to use penalties or fines collected for producer non-performance

to compensate municipalities for waste management services, yet the municipalities will be footing the bills in cases of producer non-performance. They should be compensated.

Currently, Bill 151 does set out circumstances in which administrative penalties can be collected by the province or the new authority from producers who do not meet certain obligations. It also creates offences for producer non-performance in which fines could be imposed if there's a conviction. We're supportive of these initiatives, but we want to ensure that these penalties and fines will be given to municipalities to recover the costs they incur when producers don't meet their obligations.

To conclude, I'm here as the chair of public works and infrastructure and I'm requesting that the standing committee act on our recommendations for critical amendments to Bill 151. These amendments are needed to ensure municipal governments' concerns are addressed, to protect the integrity of the integrated municipal waste systems, to go beyond the status quo with regard to blue box funding and stop the ongoing challenges with receiving what we are owed, and to protect residents' and municipal taxpayers' interests and not just the interests of producers.

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We need these changes to the bill to ensure producers are held accountable for their product and packaging decisions and that they're not placing any costs of their EPR on taxpayers, residents and businesses in the city of Toronto.

The Vice-Chair (Mr. Jagmeet Singh): Thank you—

Ms. Jaye Robinson: Again, I'd like to thank you very much for your time today.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much. We went over a bit, but I didn't want to cut you off. I thought it was—

Ms. Jaye Robinson: Thank you very much. That was very kind. Sorry.

The Vice-Chair (Mr. Jagmeet Singh): The voice of Toronto, you know?

Moving now to the government: Mr. Anderson.

Mr. Granville Anderson: Thank you both for being here and for your passionate presentation this afternoon. Was there anything else you wanted to cover?

Ms. Jaye Robinson: Well, I'm going to turn it over to Vince, because I dominated the time. He's—

Mr. Granville Anderson: I noticed you were on a roll there.

Ms. Jaye Robinson: Yes, but Vince has been working on this, as has our whole staff team. So I'll turn it over to Vince.

Mr. Vincent Sferazza: Just to add to what the councillor mentioned and also what the previous municipal speakers had talked about, municipalities have very successfully been operating diversion programs for over 30 years. The success of the Blue Box Program is because of municipal initiatives. You heard previously from other stakeholders about the Blue Box Program. I want to underscore that it is municipalities that created,

developed, maintained and improved the Blue Box Program plan. All the many other diversion programs that have been established under the Waste Diversion Act were previously up and running with the city of Toronto and other municipalities. It's because of our engagement that you have seen success within the residential community.

Another interesting point is, when there have been initiatives established by the private sector and they have failed, the fail-safe has always been municipalities. Residents always continue to bring their materials to municipalities, where they know that it will be properly managed and it will be diverted from landfill.

Mr. Granville Anderson: Okay, thank you. What are the key factors to ensuring the seamless transition of the Blue Box Program to the new producer responsibility regime?

Mr. Vincent Sferrazza: I'm sorry?

Mr. Granville Anderson: What are the key factors to ensuring the seamless transition of the Blue Box Program to the new producer responsibility system or regime?

Mr. Vincent Sferrazza: Okay. You've heard the councillor talk about the current challenges that have existed for many years with respect to what is included in program costs. This has been ongoing since the inception of the Waste Diversion Act, and we feel that there's an opportunity now, within Bill 151, to add clarity and to have a solution to ensure that the proper language is there for what constitutes eligible program costs.

The municipalities are saying that there is a system, a verifiable Datacall system, where actual program net costs are there. We would like that to be recognized within the bill; also, that municipalities be part of the consultation process during that transition—that we be at the table to ensure that the service standards that have been established by municipalities for over 30 years are in no way compromised; and that services that we provide now are not compromised but enhanced. So we want to be at the table and engaged in consultation to ensure that that transition occurs.

Mr. Granville Anderson: Do I have more time?

The Vice-Chair (Mr. Jagmeet Singh): You have about 30 seconds.

Mr. Granville Anderson: Okay. In your view, what are the appropriate timelines to transition blue box programs to the new producer responsibility?

Mr. Vincent Sferrazza: Well, we certainly believe that this is a priority of the act, so we would like to see some form of resolution within a year to 18 months with respect to the transition. We would like it to be the first priority of this government to ensure that there is that transition. I see it happening immediately, and hopefully within the year.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much to the city of Toronto for the deputation.

Ms. Jaye Robinson: Yes, if I could just say that the way you've set this up is so impressive and so respectful of people's time—the timed items, the timed deputations. I really appreciate that. I wish the city of Toronto did

that. I've just run here from executive, but thank you very much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you.

DART CANADA

The Vice-Chair (Mr. Jagmeet Singh): Next up, we have Dart Canada: Joe Hruska, I believe. He's here? Yes. Excellent. Good afternoon, sir. How are you?

Mr. Joe Hruska: Fine, thank you. Thank you for having us here today too.

The Vice-Chair (Mr. Jagmeet Singh): It's a pleasure to have you.

You have five minutes to provide your deputation. Please begin.

Mr. Joe Hruska: My name's Joe Hruska. I'm with Dart, and I'm their technical and sustainability consultant. To my left is Allan Rewak of the Pathway Group.

I'd like to thank you for the opportunity of being here today. Dart is a leading manufacturer of single-use food-service containers. We produce plastic, paper and bio-resin containers, which include products made from polystyrene in foamed and also in rigid form, like cups.

Headquartered in Mason, Michigan, Dart operates in seven countries, including manufacturing facilities and offices right here in Ontario. The company has more than 14,000 employees and it acquired Solo Cup, which is here in Toronto, in 2012. We also operate foam recycling facilities and collection depots.

We're deeply committed to product stewardship and minimizing our carbon footprint to achieve our goal of sustainability. Our environmental strategy includes ongoing efforts to maximize efficiency in the materials and processes we use and promote the environmental attributes of Dart's products. As well, we conduct research and development on new materials, products and technologies that will further reduce our energy use and carbon footprint, coupled with promotion of recycling through the use of recycled content or utilization of renewable resources.

Due to our strong commitment to environmental sustainability, I am pleased to say that Dart fully supports the goals of Bill 151, which will allow for the creation of a broad waste diversion framework that will enhance both economic and environmental opportunities for our citizens, our consumers—everyone in this province. However, there are a few areas of the act which we believe can be strengthened to support our shared goals of environmental sustainability and economic prosperity.

Primarily, we would recommend that new materials be designated under the act for mandatory collection, specifically polystyrene. We believe the best way to accomplish this is through curbside collection. However, depot collection may be viable in more rural parts of Ontario where curbside collection is not economically or environmentally suitable. We believe this will divert more polystyrene resources from the waste stream and support the creation of a wider circular economy by building a critical mass of feedstock to supply manufacturers who

actually turn polystyrene waste into everything from picture frames to architectural mouldings. The potential of these manufacturers is immense. However, they have historically struggled due to a lack of suitable supply from the recycling system. Bill 151 allows for the creation of a mandatory collection regime that would ameliorate the long-standing issue of supply and make Ontario a national—indeed, international—leader in this emerging sector.

Beyond this, there are a few areas of the act we believe can be clarified in regulations: specifically, definitions related to responsible party obligations linked to transport packaging and the potential implementation of disposal bans.

Firstly, in regard to whom this act determines is the responsible party, we recommend inclusion of language based on existing standard practices that clarify brand owner definitions. This would clarify that the brand owner is the responsible party who specifies the packaging and/or distributes their product in the packaging to the final consumer. There is more detail in our February 26 response.

Secondly, with regard to disposal bans, they should only be implemented when recycling infrastructure has been put into place. However, as previously stated, these matters can be addressed in regulations, which we expect will be expansive due to the wide scope of this bill.

Thirdly, Dart also has a concern with elements of the legislation that allow for the government to prescribe product and packaging design—that's in part IV, section 67, subsection (3)—which would arbitrarily impact a company's manufacturing and product/packaging design processes. The design and manufacturing of packaging must meet a number of priorities and goals that may be contrary to the provincial interests of source reduction and the 3Rs, primarily in the name of health and safety of the food supply.

The legislation also starts to prescribe how collected materials must be reused, and specifically states or causes a restriction by saying "reused for a purpose that is the same as or similar to its original purpose." That's in part IV, section 69, clause (a) of subsection (2), on page 38. This, again, could be problematic due to health and safety issues where and when it pertains to the food supply. This is because, while Dart foam service packaging designed for its customers is source-reduced with the minimum of resources and energy used to make the package, and while PS foam is highly recyclable, it can be diverted into other uses.

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Moreover, such restrictions could lead to a potentially higher carbon footprint as more energy may be required to clean and make recycled PS foam service packaging suitable for food use. As such, we'd like to have further discussions with the government on this.

In closing, Dart would like to thank the government and, indeed, all of the members of the Legislature for supporting this important bill and for allowing us to be here today to offer our thoughts and support. I would be pleased to take some questions.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much for your presentation. We'll now move to the Conservatives. I recognize Mr. Fedeli.

Mr. Victor Fedeli: Thank you very much, Mr. Hruska, for your presentation.

In your written submission, there were a tremendous amount of recommendations from Dart on the issues that you spoke of. Do you want to take a couple of minutes and talk about some of the more salient points and why you feel these recommendations should be adhered to?

Mr. Joe Hruska: Yes. First of all, Dart, in terms of its sustainability, has been pushing recycling of their packaging because it is highly recyclable, highly efficient environmental packaging. We've wanted to see recycling expand in Ontario to meet our sustainability goals and, also, I believe, the sustainability goals of this province. We have to keep this material out of landfill. It has a much better use being manufactured into picture frames and other products—too many to go into. We believe that's really needed. It also meets the legislation's need to have a circular economy.

In terms of the producer framework, our main concern about transportation packaging is that brand owners order packaging; we produce it for them to meet their needs. We believe that they are the responsible party. Having said that, Dart is also a steward. Solo Cup makes drinking cups that we also pay stewardship fees on currently. So we do have a role, but our role right now is to help ensure packaging gets recycled.

In terms of the responsibilities, we believe that has been defined on page 5 of our document. That definition has been in previous acts and we think that is a good definition; I know others have spoken to it earlier in the day.

When it comes to design and best use of materials, I think that's critical. Manufacturers know the best way to design materials; it has to meet health and safety needs. Just like Ontario wants to bring down its carbon footprint through efficiency, we believe that a life-cycle approach is needed to ensure that we meet those goals.

Obviously, there are priorities; everyone wants the three Rs—reduction, reuse, recycling—but we have other priorities, which are the economy and people's health. We spotted that in the act and we believe proper consultation is needed to meet all our goals, but food safety and delivery of food in a safe way are paramount.

Mr. Victor Fedeli: Thank you, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Fedeli. Thank you very much for your presentation. That completes this presentation. We'll move on to the next.

Mr. Joe Hruska: Thank you so much to the committee.

ONTARIO COMMUNITY NEWSPAPERS ASSOCIATION

The Vice-Chair (Mr. Jagmeet Singh): We'll now move to the Ontario Community Newspapers Association: Caroline Medwell.

Ms. Caroline Medwell: I was told that I was the last one to speak, so I'm standing between you and the bar—or you and the sunshine.

The Vice-Chair (Mr. Jagmeet Singh): Well, you're not anymore because there is one more deputation, so all of that responsibility is not on your shoulders.

Ms. Caroline Medwell: Excellent. That's so good. My name is Caroline Medwell. I'm the executive director of the Ontario Community Newspapers Association. On behalf of the OCNA and our members, thank you very much for the opportunity to comment on Bill 151, the proposed Waste-Free Ontario Act.

I think you heard from my colleague at Newspapers Canada, John Hinds, earlier this afternoon. I'm fairly new to the association and my background is more in marketing and advertising; I'm not an expert on recycling or waste diversion. What I'm here to do is really speak to what our members are concerned about going forward.

The OCNA is a non-profit industry association made up of more than 300 weekly newspapers publishing in every corner of the province, including in your own communities. Ontario's towns, cities and neighbourhoods continue to rely on the community newspaper for local news and information, and readership and interest is strong in every market.

Bill 151 seeks to reduce the amount of waste produced that goes into landfill, as well as to promote a circular economy. These are certainly goals we can fully support: a future with zero waste.

In order to achieve its zero waste goals, Ontario intends to embrace extended producer responsibility as the model. Under this approach, product stewards are expected to take responsibility for the full life cycle of their product or packaging.

We don't take issue with the government's interest in expanding EPR, nor are we here opposing Bill 151. We are here to make the argument that newspapers should be exempted from the responsibility of operating or funding an EPR model for printed newsprint.

Let me explain: The legislation and the strategy are intended to address areas where we are failing as a province, and newspaper recycling is actually an area where Ontario has not been failing. In fact, newspapers are one of the bright spots, and have been for quite some time, when it comes to waste reduction and recycling. Including newspapers in an EPR program will do nothing to improve an already impressive diversion rate—we're in excess of 90%—but will cause a great deal of harm to Ontario's community newspapers by imposing a new cost on our product.

Newspapers are struggling, as you probably know. You hear about it in the media; you read about it in newspapers. Newspapers are struggling. Our readership remains very strong—it's as strong as ever—but we are facing significant challenges due to changes to our business, particularly in the advertising market.

The imposition of new fees on Ontario's community newspapers to cover the cost of recycling would be devastating for our publications. As most of our publi-

cations are free, we do not have the means of recovering the cost from our readers, nor are we able to simply recover it from our advertisers. We are already in an extremely competitive advertising market, and we would note that the media we compete with—radio, television and online—are not subject to stewardship fees.

Nor is it appropriate for newspapers to be included in EPR. Indeed, in most EPR regimes, newspapers have been specifically excluded. Newspapers represent a unique material in the blue box because we are a product and not a package.

As such, extended producer responsibility and stewardship policies that hope to drive a reduction in the amount of materials introduced into the waste stream are not appropriate for Ontario's newspapers. Given the role that newspapers play in our communities, public policy intended to promote the environment should not come at the price of a weaker newspaper sector. All Ontarians would be poorer for it.

Ontario has historically exempted newspapers from paying cash toward the current shared-cost model for the blue box. We think this approach works quite well, and that it could be considered in the rollout of the waste-free Ontario strategy by providing an exemption to newspapers. It is our understanding that the legislation, as drafted, would allow an exemption to be provided by regulation, and I think this would possibly help you in the mandate to communicate your strategies going forward and the value and importance of waste-free Ontario and recycling.

While we applaud the government's interest in reducing waste and promoting a circular economy, there remain important questions about how the strategy might impact our members in the newspaper sector. Specifically, my newspapers across the province are looking for clarity as to whether the current exemptions to Ontario's stewardship programs, which were made in recognition of the uniqueness of newspapers within the blue box, will continue.

Thank you for your time today. I'm pleased to answer any questions and hope I know the answers.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much for your deputation.

We move now in rotation to the NDP. Ms. Forster, I recognize you.

Ms. Cindy Forster: Thanks very much for being here today.

It sounds like there is an exemption in the bill.

Ms. Caroline Medwell: I don't believe the current bill states the exemption, but what we currently have is that we pay our dues in kind: Instead of paying cash for what we're assessed as blue box costs, we provide advertising space and manage it all as well.

Ms. Cindy Forster: So, if you were charged a fee, that likely would result in either the weekly newspaper folding under that pressure—

Ms. Caroline Medwell: Yes.

Ms. Cindy Forster: —or job losses for reporters or people who are actually working for that particular newspaper?

Ms. Caroline Medwell: Well, some of them are close to possibly closing, but the first trend is usually to cut back on the cost of content, which usually means coverage of local news. You see it in your national media as well. I would say that reporters—journalists—would probably be the first to suffer.

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Ms. Cindy Forster: I actually see better news in my weekly newspaper than I see in my daily newspaper, at least in the Niagara Peninsula, where one company is now producing four newspapers in Niagara and the content is the same in all of them. They're not really bringing local news to many of the municipalities. I certainly hear you.

If you want to use my other two or three minutes to expand, we're certainly happy to listen to you.

Ms. Caroline Medwell: Thank you for understanding the position we are in. Being a group of independent publishers—and some who are part of corporations—it has been a hard struggle, mainly because of advertising revenues. An additional fee on top of the costs we incur right now would be, in some cases, fatal.

At the same time, we really feel very strongly that we could use the in-kind program really successfully and build that to be even stronger. Helping create messages around waste diversion, waste-free Ontario, circular economy: All those kinds of things could actually be a very strong credit to the program, and more valuable, I would say, than cash.

Ms. Cindy Forster: Thanks so much.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for your deputation.

COMPOST COUNCIL OF CANADA

The Vice-Chair (Mr. Jagmeet Singh): And now, the person who is standing between us and the beautiful weather outside—no, I'm joking. Our final deputation is the Compost Council of Canada; Susan Antler, executive director. Please don't take my comment seriously.

Ms. Susan Antler: It's fine.

The Vice-Chair (Mr. Jagmeet Singh): You're free to spend your full five minutes.

Ms. Susan Antler: We could talk all night if you'd like.

The Vice-Chair (Mr. Jagmeet Singh): Perhaps not, but we'll definitely give you the five minutes.

Ms. Susan Antler: My name is Susan Antler. I serve as executive director of the Compost Council of Canada. On May 15, we will have our 25th anniversary. We're based in Toronto—I took the subway down—and I'm going to use the five minutes, as a start, to tell you a story and take you back to childhood.

I think all of us grew up on fairy tales and heard the story about the emperor who wore no clothes. The emperor had a whole bunch of team members who told him how wonderful he was and how great he looked, but the reality was that when he had his latest costume on, he really wasn't wearing anything. He walked on the street,

and it was only one little boy who had the courage to say, "Hey, you're not wearing any clothes." Quite honestly, right now, the Waste-Free Ontario Act is focused on the wrong set of clothing.

This is a garbage bin. If you want to go ahead and focus on diversion and want to get your biggest focus—get the best; get away from stalling—which colour would you pick? I suggest that you would pick the largest piece of the pie, which is green. The green represents 40%, which is organics. Right now, there is very little attention being paid to organics in the Waste-Free Ontario Act.

What you're focusing on is something we've been focusing on for 25 years, and that's recyclables. Quite honestly, I would say, after 25 years, at what point do you say, "You're not wearing any clothes"? If you're not focusing on the green part, the 40% organics, you're not going to hit the diversion numbers.

Right now, the Waste-Free Ontario Act does not set dates and rates, but the reality is that if we go ahead and look at WDO, in the document it said that it's stalled in Ontario. But if you dig deep into the numbers, which you can because the Waste Diversion Act and Ontario actually has the numbers, there's a difference. It's almost like the difference in the Toronto housing market, where there's the condo market and there's the housing market, and the housing market is going crazy and the condos are kind of there.

If you go ahead and dig into the numbers in terms of municipalities, the municipalities that are only focused on recycling are stalling. It's the organics that are hitting the Guelph numbers and the region of Peel numbers, which are hitting above 50%. Right now, all of the focus on the work you're going to have is only on the blue box and producer-pay.

The reality is that we have good organics in products that we can't get out. This is a tea bag. If you were to go ahead and look at any backyard compost brochure—we've written many of them and said that tea bags are great to put into a compost bin. But this manufacturer doesn't have a paper package, and in fact this doesn't even count in terms of any money that will go to WDL. I don't know if it's a plastic or a linen, but this encapsulates the organics, and we can't catch them. They actually become a contaminant in the compost that we're producing.

I think you need to really applaud the organics programs that are out there in Ontario because the reality is, if you dig into the numbers, 50% of the diversion amount that is being realized by Ontario is because of the organics. Yet, right now, in terms of blue box and MHSW, your focus has been to catch \$200 million that's paying for half of the blue box and MHSW, and all the conversation in the act right now is to go ahead and go into full producer-pay. Organics is getting zero, no dollars whatsoever, and yet we're delivering 50% of the diversion numbers right now.

If you dig into the numbers, the cities and the municipalities that are underfunded—completely, on everything, but definitely in terms of organics—are basically fronting the load. These manufacturers are escaping.

In fact, some of the materials, like fruit peels—you know the fruit peels that you have in terms of bananas and everything like that? Generally, they will land into our compost, and they become a contaminant, and it becomes very difficult for us to get them out.

At this point, we have, quite honestly, 25 years of results. In fact, I was around in 1994 when we had a diversion study, and we didn't achieve it. I was around in 1998 when we had a 10-year—we were going to hit 60%, and we didn't achieve it. In fact, I wrote a letter on December 31, 2008, to the minister and said, "We didn't achieve it because you didn't focus on organics."

Right now, your ministry, your staff, is under-supported in organics. You have 22 people on that staff; only three of them are assigned to organics. They have absolutely no money. WDO basically gives us absolutely no money to solve any of our diversion opportunities as well as any of our problems that are caused by packaging that either can escape—or do not fund into our direction.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Antler, my apologies for interrupting you. We've just exceeded the five minutes by about 30 seconds, but I wanted to give you a little bit of leeway. We'll go on to questions, and perhaps somewhere along the way you can wrap up some of your other thoughts.

Ms. Susan Antler: No problem. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): I believe now we're moving to the government side, and it's Mrs. Mangat. I recognize you.

Mrs. Amrit Mangat: Thank you, Susan, for your presentation and welcome to Queen's Park, and thank you for your advocacy on organics.

I understand, in the draft strategy—I don't know if you have read it or not—we explain the intention to develop an organics action plan under this act. Do you think that will help in diverting organics?

Ms. Susan Antler: Absolutely, but let's speed it up because, right now, there's no money associated to focus on it.

As soon as you pass this act—all the folks that are behind me and have been here and are going to come forward—the hounds of hell will break loose. They will all have issues. I can almost tell you where the focus—you must, as our leaders, as our chosen leaders, say, "This is a number one priority." I understand we need to go ahead and deal with the funding of blue box and MHSW, but I want at least equal time and equal money on organics.

Mrs. Amrit Mangat: Do you think the organics action plan will achieve real goals in reducing greenhouse gas emissions?

Ms. Susan Antler: Absolutely. We wrote a letter—and I'd be pleased to give it to you—to Mr. Trudeau because he has an objective in terms of methane. Methane emissions are 25 times as potent as carbon dioxide. Landfills represent at least 20% of the methane emissions. Even in the WDO act it shows that it's the organics that—we have to get those out either through anaerobic digestion or composting. What's very exciting is carbon farming. The Environmental Commissioner of Ontario has a number of reports in terms of soil health. The opportunity is that at least one third of our problems in terms of greenhouse gas can be rectified if we put compost back into the soil. That's a known fact.

The Vice-Chair (Mr. Jagmeet Singh): Thank you so much for your presentation.

That is all the time for the day, so thank you so much.

We will be adjourning this committee until Tuesday, April 19, at 4 p.m. in the same room. Thank you so much, everybody.

The committee adjourned at 1650.

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Legislative Assembly of Ontario

First Session, 41st Parliament

Official Report of Debates (Hansard)

Tuesday 19 April 2016

Standing Committee on Social Policy

Waste-Free Ontario Act, 2016

Assemblée législative de l'Ontario

Première session, 41^e législature

Journal des débats (Hansard)

Mardi 19 avril 2016

Comité permanent de la politique sociale

Loi de 2016 favorisant
un Ontario sans déchets



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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 19 April 2016

Mardi 19 avril 2016

*The committee met at 1600 in committee room 1.*WASTE-FREE ONTARIO ACT, 2016
LOI DE 2016 FAVORISANT
UN ONTARIO SANS DÉCHETS

Consideration of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / *Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.*

The Chair (Mr. Peter Tabuns): Good afternoon, committee members. I'm calling this meeting to order to resume consideration of Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002.

I'll be calling witnesses in a moment.

I wanted to remind people that, as of unanimous consent yesterday, we will be giving each party in turn five minutes to question witnesses. So you won't get to question each witness; you'll get to question in turn.

CANADIAN ENVIRONMENTAL LAW
ASSOCIATION

The Chair (Mr. Peter Tabuns): Our first presenter is Canadian Environmental Law Association: Richard Lindgren. Mr. Lindgren, if you'd identify yourself for Hansard, after you have a seat, and then you've got five minutes.

Mr. Richard Lindgren: Thank you, Mr. Chairman, and good afternoon. My name is Richard Lindgren. I'm a staff lawyer at the Canadian Environmental Law Association, or CELA. On behalf of CELA, I would like to thank the committee for this opportunity to address Bill 151.

I have to mention that for the past 30 years, I have regarded myself as a garbage lawyer. I've represented Ontario residents who are opposed to or adversely affected by dumps, landfills and incinerators.

It is beyond dispute, Mr. Chairman, that waste disposal sites can cause adverse environmental effects, particu-

larly to air quality and water quality. It's beyond dispute that waste disposal sites can cause serious nuisance impacts to nearby residents. It's beyond dispute that burning or burying materials represents a squandering of valuable resources that should be diverted, reused or recycled within the circular economy.

That's why CELA strongly supports Bill 151. We believe that Bill 151 represents an important step in the right direction. We believe that individual producers should be accountable and responsible for the full life cycle of their products and their packaging. We believe that Bill 151 should be passed and implemented as soon as possible.

Having said that, we submit that there are some opportunities to improve or strengthen the bill before it gets passed. In this regard, I'd like to draw the committee's attention to two documents that I filed with the Clerk earlier this afternoon. The first is our 25-page brief that we prepared with our colleagues at the Toronto Environmental Alliance and Citizens' Network on Waste Management. This brief is dated February 29, 2016. Essentially, the brief sets out 17 different recommendations to improve the new regime under Bill 151.

Perhaps you'll be relieved to know, Mr. Chairman, I don't intend to go through this brief at all. I just will commend it to the committee for its consideration.

The second brief that I filed today is much shorter. It's our three-page brief dated April 7, 2016. That represents our attempt to flag some high-priority amendments to Bill 151. Again, time doesn't permit me to review those amendments in any particular detail, but I will say that our proposed amendments are intended to address two key issues in Bill 151.

The first amendment is aimed at achieving greater clarity and certainty about the intent and the effect of Bill 151. In our view, this can be accomplished by refining the list of provincial interests in section 2 and by providing appropriate definitions for key words and phrases in section 1. Our proposed language for that kind of amendment is set out on page 2 of this shorter document.

The second proposed amendment, Mr. Chair, is found on the next page, page 3 of the short document. Here we're essentially recommending that compliance and enforcement should not be carried out by the new authority under Bill 151. Instead, Bill 151 should be amended to ensure that compliance and enforcement activities are conducted by the Ministry of the Environment and Climate Change.

In our view, Mr. Chairman, environmental enforcement is a core government function that should not be downloaded or outsourced to a third-party entity, especially one that lacks the enforcement track record, experience and resources of the ministry. Simply put, there is no evidence that delegating enforcement to the authority will result in better or more timely or more effective enforcement of the regulatory standards under Bill 151.

On this point, I will simply say that I've read all of the legislative debates during second reading of this bill, I've gone to the consultation sessions, I've read all the consultation materials and I've seen no compelling justification for transferring enforcement powers from the ministry to the authority.

Those are my submissions, Mr. Chairman. I'd be happy to entertain any questions from the committee about our recommendations.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Lindgren.

Questions go to the opposition: Ms. Thompson.

Ms. Lisa M. Thompson: Very good. Thank you very much for being here today. I appreciate it very much.

I'm going to be straight-up: I'm not surprised to hear your concern about the authority. I think that's a common theme amongst the stakeholders who we've spoken to, as well.

First things first, in terms of recognizing that you didn't have a lot of time to go through the definitions: Are there any that you want to address, if I was to give you a bit of time right now? Because I really want to hear from you, okay?

Mr. Richard Lindgren: I guess that I'll preface my remarks—and I thank you for the question—that I'm a little bit astounded that some of the key concepts that underpin both the draft strategy and the bill are not actually defined in the bill. Things like “recycling,” “reduction,” and “reuse” are key terms.

We've put our heads together with our colleagues at these other environmental groups, and we've tried to come up with some definitions that we think will work and that will provide the right policy direction as the strategy gets finalized, as policy statements are issued, as regulatory standards are promulgated and so forth.

Those are the three that I would recommend. I would also draw attention to “circular economy.” It's kind of interesting that this whole legislative initiative is premised on enhancing and expanding the “circular economy” and “resource recovery,” and those terms aren't really defined well, or at all, in the bill. Those are the things that I would look for first.

Ms. Lisa M. Thompson: I appreciate that.

Going back to enforcement: We totally agree with you. We're concerned about the direction that enforcement is going under this particular bill. We, the PC Party of Ontario, do not feel that we need another layer of bureaucracy or the creation of a new force of waste cops, so to speak.

I'm wondering if you could explain why it would be important to rely on the existing enforcement officers for this proposed act.

Mr. Richard Lindgren: I don't see any public policy justification for reinventing the wheel. The ministry has been around for more than 40 years. It's well-resourced; it has got specialized inspectors and provincial officers; it has got an investigation and enforcement branch; it has got an enforcement and compliance policy. It knows how to get the job done.

So why would we wrest that away from the ministry and give it to an untested, unproven authority? I have grave concern about that proposal.

Ms. Lisa M. Thompson: Okay. Thank you for that.

The PC caucus is concerned about the government's tendency to draft legislation behind closed doors, showing little consideration for the democratic process. What concerns might you have about the government's reliance on regulations for the implementation of their waste management strategy?

Mr. Richard Lindgren: I have to say that that's not unusual. That seems to be a legislative tendency these days, which is to pass enabling legislation but defer a lot of the critical details to regulation.

Ms. Lisa M. Thompson: If I may, how do you feel about that?

Mr. Richard Lindgren: Well, whether I like it or don't like it, that seems to be the *modus operandi* these days.

Ms. Lisa M. Thompson: Okay. I sense that you don't like that. All right.

Mr. Richard Lindgren: I'd be hopeful that when regulations are being drafted there's going to be full consultation with the affected stakeholders and municipalities and others, so we all end up with regulations that we can live with.

Ms. Lisa M. Thompson: If you had a couple of more minutes, is there anything else that you would like to elaborate on with regard to some of your concerns with regard to the overlap between the Resource Productivity and Recovery Authority and MOECC when it comes to enforcing this bill?

Mr. Richard Lindgren: I want to make it clear that we do not oppose the creation of the authority. We think the authority is a good step. We also think that it would play an important clearing house function in terms of gathering data and maintaining the registry. That's fine.

But I don't see any reason why it needs to be involved in enforcement. That's not really their job. That's not their primary responsibility. I would say that section 77 of the draft bill needs to be amended to specify that it's the ministry—not the authority—that does enforcement and compliance activity.

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Ms. Lisa M. Thompson: Okay. And then, if I may, with regard to the authority, as it stands right now, the minister can appoint five people, and then they in turn elect six more people. In your opinion, what could be done differently to ensure the board is reflective and

more inclusive of business, government and environmental associations?

Mr. Rick Lindgren: I have to say, I don't have any particular preference as to the structure or set-up of the initial board of directors. I think it's important that they pull in folks who have some expertise, some experience, on the issues that they're going to have to decide or make recommendations about. So I'm less concerned about the numbers or the structure than whether the folks who get appointed have the skill set and the knowledge to get the job done. That's the more important factor, in my view.

The Chair (Mr. Peter Tabuns): And I'm sorry to say, with that, we're out of time.

Ms. Lisa M. Thompson: Okay.

The Chair (Mr. Peter Tabuns): Thank you very much, Mr. Lindgren.

Mr. Rick Lindgren: Thank you, Mr. Chair. Thank you, committee.

UNILEVER CANADA

The Chair (Mr. Peter Tabuns): The next presentation, then, is Unilever Canada: Mr. John Coyne. Mr. Coyne, as you've heard, you have up to five minutes to present. If you'd introduce yourself for Hansard, we can go from there.

Mr. John Coyne: Thank you, Mr. Chairman, and thank you, members of the committee, for the opportunity to appear before you today. My name is John Coyne, and I'm the vice-president of legal and external affairs for Unilever Canada. I am here to speak with you today to support the Waste-Free Ontario Act, as drafted.

Unilever is a large steward, and we have contributed more than \$16 million to Ontario municipalities for blue box funding since 2004. In addition, our company participates in the operation of residential recycling programs in British Columbia, Saskatchewan, Manitoba and Quebec as well as all of the EU-28 states.

As part of the Unilever sustainable living plan, which is our long-term public company strategy, we have a commitment to increase our recycling and recovery rates by 15% by 2020. We can only achieve that ambition if there are robust and effective consumer recycling programs in place, with appropriate outcome-based regulatory frameworks.

The Waste-Free Ontario Act aligns with our vision of environmental responsibility, and we believe that when it comes to the management of resources, producers need to play both an operational and a financial role in ensuring the recovery of materials we place into the marketplace. Understanding this dual role is key. We cannot be held responsible for recirculating resources into the economy if we do not control the material flows from beginning to end.

This is transformational legislation which will help make Ontario, I believe, a true leader among circular economies. We support key elements of this legislation as follows:

(1) the direction taken with the Resource Recovery and Circular Economy Act, and the creation of a frame-

work that clearly recognizes and assigns correct roles and responsibilities for Ontario's residential recycling system;

(2) the premise of the circular economy, which requires control of valuable resources, such as packaging materials, to remain with the producers who put them into the market;

(3) the alignment of responsibility, authority, financial and reputational accountability with the party that bears the consequences—in other words, the producers who pay for the services, and who can therefore drive best outcomes; and

(4) the transfer of operational responsibility for packaging and paper to producers, which will provide greater cost certainty and relieve municipal ratepayers of an obligation approaching a billion dollars over the next 10 years.

All such transformations involve transitions, and many municipalities have expressed an interest in continuing to provide recycling collection services in their communities. We agree. They can be experienced and important service delivery partners for their residents.

Similarly, we strongly agree with the orderly transition of the Blue Box Program and the changes to regulation 101/94, as outlined in the draft strategy. In this, responsibilities between municipalities and producers are reassigned, while at the same time respecting the investments and the assets currently in use, ensuring, therefore, no disruption of service to Ontario residents.

Consequently, we do not support allowing municipalities to increase the amount producers have to pay for blue box services without a corresponding increase in producer control over recycling services. This would simply serve to entrench the status quo at a higher price for Ontarians, and cannot lead to a circular economy.

Nor do we support an arrangement whereby municipalities, which can neither anticipate nor accommodate the endless array of today's packaging wastes, have full control over recycling while we, the producers who make the packaging, have no say in designing or operating the very systems that are supposed to recycle our materials.

In conclusion, our company supports this legislation, which in our view will:

(1) allow producers to work commercially with municipalities and the private recycling industry in the creation of a modern circular economy in Ontario;

(2) encourage, but not require, municipalities to provide collection services to their residents;

(3) ensure an expanded universal list of packaging and paper materials that can be left at curbside in every Ontario community, without exception; and

(4) guarantee that citizens have access to a first-class recycling system with the economies of scale to support capital investments in the technologies that are critical to effectively recycling greater volumes of more modern packaging materials.

I want to thank you today for the opportunity to express our support for the Waste-Free Ontario Act, as drafted.

The Chair (Mr. Peter Tabuns): Thank you, sir. The questions now go to the third party, Mr. Singh.

Mr. Jagmeet Singh: Thank you for your presentation. I have just a couple of quick questions. You've indicated—and I think a number of producers have indicated this as well—that if there's an increased amount paid by producers, producers want an increased say in the manner in which their waste products are recycled or dealt with. What would that increased say look like? What are you looking for, in specific?

Mr. John Coyne: I think the bill sets out what those conditions would look like. You're effectively transferring responsibility for the operation of the system, as a system, to the producers, who are going to pay for the bill. That's what this bill does. This is true extended-producer responsibility, which we've seen in other jurisdictions in Europe—and we've seen it in British Columbia, for example—where the control of the materials, the effective control of the supply chain, moves to those who pay the bills, effectively allowing a systemic change to take place rather than a place-by-place change within the province.

Mr. Jagmeet Singh: In terms of the delivery of blue box or other sorts of recyclables, do you have any strategies specifically that you feel could be improved or could be worked on, through your experience, through your particular industry, that you would suggest?

Mr. John Coyne: Most of the strategies that relate to this particular area relate to how it is that you would organize the supply chain on a much different scale. By organizing the supply chain—which is the reverse flow of materials once they have been collected into the blue box—organizing that reversed flow of materials in a manner that allows you to generate scale and synergy allows you to then generate modern investments. That's what we found in other jurisdictions, that if you can get to a scale beyond the kind of scale that we have currently in the province of Ontario, you can stimulate the investments that are appropriate to an economic engine like that.

You can achieve better environmental outcomes as a result of having those investments in place. Those are technology investments. Those are investments in MRF infrastructures, for example, and in enhanced collection capabilities. Once you have those in place, then you can start to design even higher recovery rates and improve your environmental performance. You do it on a systemic basis.

Mr. Jagmeet Singh: Thank you very much. No further questions.

The Chair (Mr. Peter Tabuns): Thank you very much. We appreciate your presentation.

ASSOCIATION OF MUNICIPALITIES OF ONTARIO

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the Association of Municipalities of Ontario. Good afternoon.

Mr. Gary McNamara: Good afternoon, Mr. Chairman.

The Chair (Mr. Peter Tabuns): You know you have five minutes, and then we go to questions. If you would introduce yourselves for Hansard, and please proceed.

Mr. Gary McNamara: All right. I'm Gary McNamara. I'm the president of AMO. On behalf of the association, I want to take this opportunity to thank the committee, and also for the opportunity to speak here today and be able to contribute to your deliberations on the proposed Waste-Free Ontario Act.

Municipal governments have long advocated for a new legislative framework for waste management in the province, and we support the introduction of the act. That said, we would like to give you a brief overview of our key comments and concerns with the proposed legislation, in order to improve it from a municipal perspective.

We do support the clear intent of the proposed act to move to producer responsibility and have producers—not the municipal tax base—fully fund the costs of managing products and packaging at the end of their useful life.

The act allows for an ability to increase producers' current funding cap of the Blue Box Program beyond 50%. This is needed, given our years of receiving less than the full 50% we expected under the current act. Since 2004, this lost funding has cost municipal governments and our residents \$233 million. We went to arbitration in 2014 on this issue, and it remains in dispute as we speak today.

There is a stated intention to ensure service standards and geographic coverage are maintained or improved. If packaging and designated materials can be sold anywhere in the province, then there needs to be a diversion program to make sure that these resources are recovered. This will be a key difference between the BC producer-lead program and what we want here in Ontario.

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Although we are supportive of this draft legislation, we do ask that some key issues are addressed by amendment by this committee in Bill 151 through your deliberations.

Municipal governments are responsible for an integrated waste management system. Our current diversion programs under the Waste Diversion Act and regulation 101/94 represent less than 20% of the tonnes municipalities manage and an even smaller percentage of the total costs municipalities incur to operate our systems.

The future decisions and regulations made regarding these new diversion programs will impact roughly 80% of the integrated waste management systems that municipalities will still be responsible for operating and funding. This includes landfill and other disposal facilities, litter, organics and water systems.

I think you know that we are not merely an interested stakeholder in this matter, but rather, local governments that will always have a major responsibility in waste management. Therefore, our first key ask is to have a formal seat at the table during transition of the current

diversion programs and after the Resource Recovery and Circular Economy Act is in force.

Our other key ask is an amendment to section 11 of the Waste Diversion Transition Act regarding payments from producers to municipalities for the operation of the Blue Box Program. At present, the current section 11 language is identical to section 25(5) of the WDA. This same section was the subject of an arbitration in 2014 between AMO, the city of Toronto and Stewardship Ontario. Despite our clear municipal award, stewards continue to dispute the interpretation of this section. We implore the standing committee to amend the language to clearly state that municipal governments should be paid the applicable percentage by producers for blue box services based on the verified net costs of the program, as determined through the WDO. We respectfully ask you to make sure the section 11 language of the transition act is crystal clear and non-disputable by parties when you report back to the Legislature.

We are also concerned that the proposed act only requires producers to fund activities related to reduction and resource recovery. It appears to assume that the designated materials that end up in the municipal waste streams will continue to be funded entirely by the municipal property tax base. We think everyone would agree that we don't want to have perverse incentives that move materials from recycling and recovery streams to landfill and disposal. In our view, producers' fiscal responsibilities include managing the full end-of-life costs of the designated products and packaging.

In closing, we would ask that the committee ensure that the legislation presents a fair and balanced approach for municipal governments and our residents. Attached to your full submission are proposed amendments developed by the municipal sector that we would ask you to consider as you develop the critical amendments needed to Bill 151.

Thank you for your attention today. I'm happy to answer any questions you may have.

The Chair (Mr. Peter Tabuns): Thank you. We go to the government. Ms. Mangat?

Mrs. Amrit Mangat: Thank you, Mr. McNamara, for your presentation. Welcome to Queen's Park, and thank you for your support and advocacy.

My understanding is that if this legislation is passed, there will be economic benefits and there will be environmental benefits. Do you think that there will be significant benefits for municipalities? Can you throw some light on that?

Mr. Gary McNamara: First of all, I want to make it very clear, as well, that we run a total integrated waste management system and there's a lot to that. What we want—and I stated it very clearly—is a very fair and equitable manner. In the legislation and especially that section 11, we certainly don't want to be adding more dollars to the municipal coffers. As you've seen, since 2004, it has cost us \$233 million. We want to have a fair system. We're not here to say that we want to make money. We want to make sure that the producers pay

their fair share. I believe that what we want in the legislation is the ability for us to be fairly compensated.

The short answer is that we're not looking, obviously, for dollars beyond being what is fair and equitable to move the system along.

Mrs. Amrit Mangat: Can you tell me some dollar figures? What would be that fair and balanced approach? How much would municipalities be saving annually?

Mr. Gary McNamara: Well, think about it. Under this section here now, when we're looking at reconciling what that 50% actually is, we're looking back two years in the past. We're not getting the value, the 50%, the actual cost of managing the system. We're basically asking that municipalities don't have to support through the property tax base those dollars that are basically needed to move the system forward.

Mrs. Amrit Mangat: Do you think that it will improve the sustainability of municipal services?

Mr. Gary McNamara: Well, I hate to go back to the \$233 million, but imagine if we had that in our hands in terms of continuing to find more efficiencies and more innovation. At the end of the day, what we want is for landfills to be antiquated. We need not to source future landfills.

Mrs. Amrit Mangat: If this proposed legislation is passed, cost would be shifting from municipalities to a producer responsibility model, right? What do you think are the key factors to ensure that there will be a smooth transition of the Blue Box Program?

Mr. Gary McNamara: To move the—

Mrs. Amrit Mangat: The smooth transition of the Blue Box Program.

Mr. Gary McNamara: I'll defer to Monika.

Ms. Monika Turner: Hi, I'm Monika Turner. I'm the director of policy for AMO. The actual transition is something that is going to involve all of the parties. Currently, we do manage the integrated waste management system. We need to do a transition of 20% of that for all of the recoveries. Hopefully, we can get better diversion rates.

I've seen estimates and I know some people said yesterday, "Do it in a year. Do it in five years or so." What we need, probably, is a plan which has all of the parties at the table, which is why we're asking to be at the table during the transition and after. We will still very much have skin in the game.

What it needs is, quite frankly, a fair and transparent process to manage the transition. If I may, every landfill has a certificate of approval from the ministry on it. All of those things need to be worked through. There are investments that municipal governments have put for the MRFs and such. Everybody has said they don't want stranded assets.

We need a reasonable plan going forward so that there is a smooth transition. This is a place where we can agree with the stewards. We don't want residents disturbed through this, but that takes a lot of planning and it takes co-operation, which is, again, why we're asking for section 11 to be amended so that we can focus on the future rather than continue—

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say that you're out of time. Thank you, Ms. Mangat. Thank you, Ms. Turner.

LOBLAW COMPANIES LTD.

The Chair (Mr. Peter Tabuns): The next presenter, then, is Loblaw Companies Ltd.: Alain Brandon. As you've heard, you have up to five minutes to present. If you'd introduce yourself for Hansard, we can get going.

Mr. Alain Brandon: Certainly. I'm Alain Brandon. I'm the senior director of corporate social responsibility and government relations at Loblaw Companies Ltd.

In Ontario, Loblaw is largely made up of a network of independent businesses that you may recognize from corners in your neighbourhood: No Frills, Shoppers Drug Mart, Your Independent Grocer and, of course, some of our corporate-owned stores, which are well known as well: Real Canadian Superstore and our brand new Loblaw City Markets.

When you roll up all of those independent businesses and add our corporate stores, we have a pretty substantial footprint in the province, with about 80,000 colleagues all across the province and one of the largest transportation fleets, and we're actually one of the largest, if not the actual largest energy user in the province. We're also a major contributor to the blue box systems, both in Ontario and across the country as well. So we obviously have a very keen interest in the matter before the committee today.

We take reducing our carbon footprint and diverting waste from landfills very seriously. This year, actually, despite ongoing growth within the company—which is good news—we will reduce our carbon footprint by 2%.

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Through our pay-for-bag approach we've eliminated more than eight billion plastic shopping bags from our stores since 2007, and we work hard with food banks and food rescue programs across Canada to pilot and expand our perishable food donations, in order to eliminate food waste.

When it comes to recycling specifically, we are very proud of our role in the retail conversion to one of the common types of PET plastics. Prior to all retailers coming together, each retailer was approaching clamshell plastics in a very different way, and the end result was that these products were not being recycled.

So we came together as a group of retailers to agree on one common type of plastic, which thereby made it possible for municipal systems to accept it, and those clamshells are now recycled at a much higher rate, which is encouraging and certainly good news.

Our commitment to reduce our impact on the environment shapes our outlook on the future of recycling systems across Canada. As provinces move to implement the full EPR commitment of the country's environment ministers, we feel that the best path forward is a system that gives stewards responsibility for not only the cost of

the recycling system, but also the means to drive meaningful progress in the operations of those systems.

Bill 151 provides a framework for that system to be put in place in Ontario, and we see that as a very positive move in the right direction. By effectively creating a closed loop for recycling, entirely within the scope or obligation of stewards, the province has the opportunity to make meaningful environmental progress. If Bill 151 is to pass and we are to transition to the next phase of this important journey, which is a complete transition of the existing systems, we would encourage the government to ensure that that transition follows the same principles that are laid out in the bill, as well as the strategy.

One important aspect of the transition that we would ask the government to be mindful of is how costs and responsibilities are allocated. As I mentioned, we believe that if the decision is made that costs need to be reallocated, those costs should accompany increased oversight and responsibility.

In conclusion, I want to thank you for allowing me to speak here today. We are ready and willing to take on the responsibility for the packaging waste the legislation is designed to reduce, and we ask that we be given the responsibility for it in the most effective, outcomes-based way possible. We encourage this committee and the Legislature to pass Bill 151, and we look forward to the opportunities that lie in the new regulatory framework.

I'm pleased to answer any questions you might have.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Brandon. Questions go to the official opposition. Mr. Coe?

Mr. Lorne Coe: Thank you, Chair, and through you to the delegation, thank you very much for your deputations.

One of the areas that our caucus has a concern with is the Resource Productivity and Recovery Authority. We're in favour of introducing a new authority, but only one that has a limited budget and a limited role of collecting and analyzing recycling data to advance waste diversion. Could you please take a little bit of time to describe your concerns about the authority, and if, in reading the legislation, you have any modifications that would make the authority stronger?

Mr. Alain Brandon: Well, I think we would share where you would start from, which is a concern with anything that is going to add cost, but we would take the position that the authority is a very critical role. What's laid out in the legislation for the authority, quite frankly, are important tasks. Obviously we would like to ensure that those tasks are administered in the most efficient way possible, but we wouldn't take issue with what the government has laid out in terms of an authority.

Mr. Lorne Coe: Okay, thank you for that. The other area I wanted to probe a little bit further is packaging. It's obviously a very important part of your business, and has been for quite a long time.

We recognize as a caucus that businesses need to maintain authority over their packaging design for marketing, cost and sales purposes. However, what's

clear is that this bill would give the government more control over how businesses design their packaging. Do you have any concern over that aspect of what you've read?

Mr. Alain Brandon: We don't interpret the bill as a suggestion that the government would make packaging decisions for us. Certainly that would be very challenging to do. We are a wonderful Canadian company, but we very much operate in lots of jurisdictions other than the beautiful province of Ontario; to their credit, I think the government understands that while Ontario is wonderful, it's not the only jurisdiction, so these packaging decisions need to be taken on a bit of a broader scale.

Mr. Lorne Coe: Thank you for your answer. To my colleague?

The Chair (Mr. Peter Tabuns): Ms. Thompson?

Ms. Lisa M. Thompson: Sure, certainly. Thank you, Alain, for being here. We certainly appreciate and applaud Loblaw's efforts to reduce not only food waste, but we're looking at how you lead by example with the reduction of food packaging. The list could go on and on.

In the spirit of food waste, is there an opportunity that Loblaw's sees to encourage other initiatives to come forward and join the grid with regard to possibly bi-digesters? You mentioned earlier today that you're a huge user of electricity in Ontario. I'm just wondering if you could speak a little bit more to your vision of food waste and, in the spirit of the circular economy, how we might be able to do better with that.

Mr. Alain Brandon: Yes. Well, that's a very big question, and I feel like it will be an issue tackled by this committee on another day.

Largely, our focus as a grocer, at the moment, is on what we can control, and that's certainly the waste that gets created at the back of our stores, which we're reducing year over year. We're also working very closely with a lot of NGO organizations, more on the perishable food side.

Ms. Lisa M. Thompson: Yes, absolutely.

Mr. Alain Brandon: We certainly have very established relationships with organizations like Food Banks Canada for non-perishable, but what does not exist at the moment is as well-established a system to manage and distribute food that is still very safe for consumption by folks generally in need, but that can plug into our supply chain and get it out to those places. When we can get there, innovations like that will reduce the amount of waste and will certainly provide a tangible benefit to the broader community as well.

Ms. Lisa M. Thompson: Okay, that's interesting. I'm always interested in that aspect of it.

Going back to packaging a little bit: Prior to coming to Queen's Park, I was general manager of the Ontario Dairy Goat Co-operative. In terms of driving value for our membership—which essentially came together originally to pool goat milk, in the spirit of processing—we started to realize opportunities to drive more value to the farm gate with processing ourselves, internally. I'm very much cognizant of partnering with large retailers,

and how packaging has to be of a certain dimension and a certain standard, if you will, to be even considered to be put on the shelf, say, at Loblaw's. I just want to share—

The Chair (Mr. Peter Tabuns): Ms. Thompson, I'm sorry to say you have run out of time.

Ms. Lisa M. Thompson: Oh. I was—

The Chair (Mr. Peter Tabuns): I know. I understand. I'm very sympathetic, but you're out of time.

Ms. Lisa M. Thompson: That's okay.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation.

Ms. Lisa M. Thompson: Thank you.

RECYCLING COUNCIL OF ONTARIO

The Chair (Mr. Peter Tabuns): The next presentation, then, is Recycling Council of Ontario: Jo-Anne St. Godard. Welcome. As you've heard, you have five minutes. If you'd introduce yourself—

Ms. Jo-Anne St. Godard: I'm going to squeeze it all in, Mr. Chairman.

Good afternoon, Mr. Chair and committee members. I am pleased to have the opportunity to provide feedback on this important piece of legislation.

If you don't know us, RCO has a 35-year history with a sole focus on the elimination of waste. Our role in bringing public and private interests together to create the world-renowned Blue Box Program is how we are most recognized. However, even with extensive focus and investments made to reduce household waste, the reality is that Ontario's combined recycling rates, away from home and household together, remains at a low 25% and has been there for more than two decades.

Ontario still generates more than nine million tonnes of materials a year, six tonnes of which are still wasted in disposal. This is not simply legislation about the blue box and packaging. In fact, it provides an opportunity to get at the heart of our disposal issue in the industrial and commercial sector.

Critically, Bill 151 enables us to introduce regulations like landfill bans, set diversion targets for facilities that are underperforming, and target specific products and materials where we need to generate investments for improved collection and recycling.

RCO believes that Bill 151 has the potential to transform the province's current linear economy, where we take, make and discard materials, into a circular economy that reintegrates and reutilizes discards as product inputs. We need policy that supports business to resource instead of source, to redesign instead of pollute, and to regenerate instead of discard. We understand it to be enabling legislation which will set up an important framework that will guide future regulation which can prescribe binding targets, transition existing programs and establish collaboration as well consultation.

We are unique in that we carry no agenda on behalf of any one organization or industry. We are results-based, and we rely on our diverse membership, both public and private in nature, for our policy guidance.

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As we examined this bill, we looked for its ability to satisfy three key objectives: to reduce consumption and demand on resources and energy; to transition the marketplace to manage wastes as valued resources; and to reduce disposal and pollution. Our recommended amendments focus on these objectives as we bring them forward to you today. They include additional definitions, changes to the provincial interest, new protections for municipalities, and scoping issues as it relates to the authority.

As stated in the draft strategy on page 5, Bill 151 offers to maximize the reintegration of recovered materials back into our economy. It is important that the act and the regulations formed under it require environmentally superior management approaches that follow the 3Rs hierarchy. It is critical that the legislation clearly define what is meant by those embedded terms that describe these superior management approaches. These include definitions specifically for terms such as “reduce,” “reuse,” “recycle” and “resource recovery” as well as “circular economy.” Without these key definitions, we don’t make clear the main intent of the bill, which underpins the provisions that embody it. Without definitions that can be referenced, the marketplace will likely apply their own and may choose less desirable approaches, undermining the bill’s intent. We have offered such definitions to the committee for your consideration within our written submission that you have in front of you.

With respect to the provincial interest, our second requested amendment is meant to support the changes to the definition section just discussed as well as to one specific provincial interest statement. I’d like to note that, in general, we support these statements as they directly address the objectives of the bill and provide important directives that will guide future policy statements and regulations. In keeping with our initial point on promoting superior management of discarded resources, we’d like a simple change to the provincial interest in section 2, specifically, letter (g). We’d like it to read: “Maximize the value and minimize the environmental impacts that result from resource recovery activities and waste reduction activities ... by promoting the highest and best use of resources.”

I’d like to speak now about the bill’s structuring of producer responsibility. RCO recognizes that producers are the actors that have the best opportunity to redesign products and systems to eliminate waste. Assigning them full responsibility for end-of-life management of their products is consistent with that principle. Ontario is going to go through a transition phase as municipalities become service partners to obligated stewards. Having said that, it should be noted that if a producer fails to meet its obligations in the act, municipalities will likely have to manage those associated stranded tonnes, at a cost to their taxpayers. Therefore, we suggest a provision in the act that allows municipalities to be the beneficiary of any penalties or fines for non-compliance.

The Chair (Mr. Peter Tabuns): And with that, I’m sorry to say, you’re out of time.

Ms. Jo-Anne St. Godard: I was just getting to the good part.

The Chair (Mr. Peter Tabuns): I understand. So many people face that dilemma.

We go to the third party. Mr. Singh?

Mr. Jagmeet Singh: Good afternoon. I might have a solution for you: I can give you some of my time. Please finish.

Ms. Jo-Anne St. Godard: So, very quickly, the last point we’re going to make is on the role of the authority. We echo what was said this afternoon by Mr. Lindgren and CELA: We’d like to see the authority’s role scoped down to actually just focus on monitoring compliance, data management and data retrieval. We want the enforcement role to remain with government.

Mr. Jagmeet Singh: If you could just elaborate on that last point: In terms of the scoping down, why do you think this would benefit your objectives?

Ms. Jo-Anne St. Godard: I think what we want to make sure of is that the performance, as it relates to any of the obligated parties, is directly connected to government rather than to an oversight organization.

I think what we’ve seen globally is that third-party authorities are data clearing houses. Their function really is to collect data, report data and use that as evidence of non-compliance to the associated government of the day, which then has the responsibility to enforce. What that does is provides the right resources and allows government to actually focus on the issue of enforcement.

Mr. Jagmeet Singh: Right. So I guess you’re saying that it adds an unnecessary extra step. Instead of going directly to the government for enforcement, you’re creating an extra step along the way. Instead of having someone report to someone who then reports to the government, report directly to the government.

Ms. Jo-Anne St. Godard: The authority is going to be a data clearing house. It is a place the registrar of obligated parties will have to report to and register to. It will have all of the data and all of the evidence needed to monitor compliance, and that’s really where the heavy lifting is done with respect to actually monitoring enforcement. So it reduces the reliance upon government resources to do that.

Mr. Jagmeet Singh: Okay. In one of the numbers that you mentioned, one of them was on the importance of clearly defining some of the key components so that the bill’s intention is not undermined. Why is it so important to provide that clarity in terms of definition?

Ms. Jo-Anne St. Godard: The foundation and backbone to building a circular economy is to be able to leverage inherent resources to any product or material again and again and again. What we want is to not only benefit from the environmental efficacy of that activity but also the economic opportunity that mining those discards has. Disposing them, either through landfill or through energy from waste or alternative fuels, does not allow us to re-integrate those resources back into the circular economy.

Mr. Jagmeet Singh: Very good. Thank you so much. Those are all my questions.

The Chair (Mr. Peter Tabuns): Okay. Thank you, Ms. St. Godard.

RESTAURANTS CANADA

The Chair (Mr. Peter Tabuns): Our next presenters are Restaurants Canada. Good day.

Mr. James Rilett: Hello.

The Chair (Mr. Peter Tabuns): As you've heard, you have up to five minutes, and if you'd introduce yourself for Hansard.

Mr. James Rilett: My name is James Rilett. I'm vice-president, Ontario with Restaurants Canada. I thank you for allowing me to present today.

Bill 151 is the latest in the government's attempts to address the important issue of waste management. It's laudable and necessary, and we support it. But as we move forward, we must keep in mind that this is only one of many initiatives this government is asking our industry to deal with, including menu labelling, ORPP and changing workplace reviews, so we'd ask that they be cognizant of our time as we go forward with this law.

My remarks will fall under four different areas. First is powers. We realize that this is enabling legislation and many of these things will be included in regulations. But we do think that there aren't enough power-limiting mechanisms to avoid the bureaucratic and mandate creep that often comes up in these situations. First example, ministerial policy statements are given a lot of power in the legislation without specific restrictions on that power. So we'd ask you to consider that.

Similarly, we need to clearly define and put definite parameters around the authority's power. Government must also clearly state what the industry's role is within the authority's decision-making structure—hopefully, that it's representative of the funding levels we end up on in each stream.

Alternative recycling: We believe that the focus needs to be on the value chain of waste. If value is created in post-consumer materials, the industry will feed into that change. However, lack of a viable market for post-consumer products causes the cycle to end at the blue box. This is especially true with our industry, where soiled or coated packaging is problematic to the system. We'd ask the government to do more to facilitate the materials in the recycling stream. One suggestion would be to harmonize with other provinces to maximize the amount and type of materials and to achieve efficiencies.

The Blue Box Program has been fairly successful, and we understand there will be a need to transition into the next generation. We're supportive of a collective model, which is efficient and avoids consumer confusion. But while we're transitioning, the 50% cap must be maintained.

Post-transitions: Municipalities can no longer be collection and processing designated service providers as this would interfere with the very principle of producer responsibility.

Under targets, we do believe that ICI waste and transport packaging should be considered in their own stream. If it's looked at in the residential and commercial stream, it may be hard to meet the targets. All the targets are reliant especially on consumer buy-in. No matter what we do, if the consumers aren't buying into the programs, it'll be hard to meet our targets. So we need to keep that in mind.

Finally, in our industry, food waste and organic waste is a big issue. Our industry recognizes our responsibility and we are working on improvements. That being said, our industry only contributes about 8% of the total food waste, so we can only go so far in this vein. We support efforts to minimize food waste in the foodservice sector, but again, consumer action has the greatest impact on this.

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I'll keep it very short. Thank you for inviting me to this committee. We look forward to working with you in the future to make sure that we can get the best legislation possible.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Rilett. We go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: It's good to see you again, James.

Mr. James Rilett: It's good to see you.

Mrs. Kathryn McGarry: Thank you for coming in today. You had a number of good suggestions.

I want to start with the Blue Box Program and the recycling. You had a number of good suggestions. Could you expand on what you could see as feasible and doable in your industry regarding the value chain of waste and trying to do more with the municipal Blue Box Program?

Mr. James Rilett: Obviously, one problem we have in the value chain is coated materials that are used in our industry, and the materials that are recyclable are often soiled with food, so they're not welcome into the value chain. We hope we can address that somehow. We want to work with the providers of the systems to be able to take some of those things. That's often a fallback, because even if we do collect it, it often ends up in the garbage, because there's no final use for it. That is one thing we would like to address in the best possible way.

One problem is, we have a limit to how much we can limit packaging, because for health regulation reasons, you have to have a certain amount of packaging any time you serve food.

Mrs. Kathryn McGarry: So you may have some suggestions as we move forward with this, then.

Mr. James Rilett: Yes, for sure.

Mrs. Kathryn McGarry: I want to move over to the proposed legislation that intends to incent producers to reduce waste. In your view, what incentives would help your members to reduce waste? I understand that there are restrictions in terms of packaging, due to some of the regulations that regulate the restaurant industry and food industry.

Mr. James Rilett: I think price and control are the two biggest things. I can't sit here right now and say I

have the magic bullet on how to get our industry to be the best stewards.

It is a big thing that if we are paying for something, if you want us to take more control over the expenses, we want to have more input into how that works and what the regulations eventually become. I think that would be the biggest, because when someone is paying for something and they have control, then they know they have to find the best way to do it.

Mrs. Kathryn McGarry: You also suggest a government approach to managing packaging generated from the industrial, commercial and institutional sector. Can you elaborate on what approach the government should take?

Mr. James Rilett: My only point on that was, if we include ICI waste in the same stream as consumer, post-consumer and residential, it will be hard to meet the targets, because it's an entirely different type of waste. We're concerned that if we're put in the same sector, we wouldn't have any control over that sector. My comment on that was, let's look at those two sectors as completely different things.

Mrs. Kathryn McGarry: So what you're suggesting, potentially, is having a different stream or a different program, just with this particular industry, that would be separate from the residential program.

Mr. James Rilett: That would be our suggestion, yes.

Mrs. Kathryn McGarry: In your estimation, when it comes to recycling some of the things like the oils and that kind of thing, do you have any other suggestions on how we can improve waste disposal of that area?

Mr. James Rilett: Again, I don't know anything offhand. You mentioned oils, which I think is the perfect example for something like this. This was a product that used to be a hazardous product that you had nothing to use it for. People started collecting it for free, and it now is something that the restaurants get paid for. That is a great example of how a little innovation can make a waste product become a value product very quickly.

Mrs. Kathryn McGarry: In my area, in Cambridge, we have somebody who has actually done some of that recycling and including some of the oil-based products, so I know that there is a market out there.

Mr. James Rilett: Yes. It's still a growing industry.

Mrs. Kathryn McGarry: In terms of regulations and a level playing field, are there any compliance tools that the government can assist with, in ensuring that your industry has a level playing field, along with some of the other streams that we've been talking about?

Mr. James Rilett: Again, what I fall back on is, as long as the authority is set up so that we have a voice in the decision-making process, then we would welcome that.

The Chair (Mr. Peter Tabuns): With that, I'm sorry to say that you're out of time.

Mr. James Rilett: Thank you, Chair.

The Chair (Mr. Peter Tabuns): Thank you very much, sir.

CANADIAN BEVERAGE ASSOCIATION

The Chair (Mr. Peter Tabuns): The next presenter, then, is the Canadian Beverage Association: Mr. Jim Goetz. As you've heard, you have up to five minutes to present. If you'd introduce yourself for Hansard, just take it away.

Mr. Jim Goetz: Thanks very much. My name is Jim Goetz. I'm president of the Canadian Beverage Association. It's an honour to be with you here today and to have the opportunity to make a presentation on behalf of Ontario's beverage industry.

Before I get to Bill 151, I would like to provide a little background about our association and the beverage industry in Ontario and across Canada. The Canadian Beverage Association represents the manufacturers and distributors of the majority of non-alcoholic refreshment beverages consumed in Canada. When I speak of manufacturers, I refer not only to the beverages themselves, but to the 100%-recyclable packaging used by all of our member companies. We are the national voice for more than 60 brands of juices, bottled waters, sports drinks, ready-to-serve iced teas and coffees, enhanced beverages, carbonated soft drinks, energy drinks and other non-alcoholic beverages.

Here in Ontario, the beverage industry directly employs 7,700 Ontarians in more than 60 production facilities, offices and distribution centres across the province, from Whitby to Oshawa to Cambridge to London and Ottawa—just a few examples—and many right here in the GTA, including Brampton and Mississauga.

The majority of non-alcoholic beverages consumed by Ontarians are manufactured here in Ontario locally by CBA members. The beverage industry's entire value chain is responsible for employing over 25,000 Ontarians, generating \$2.9 billion of economic activity and contributing over \$170 million to provincial tax revenues. For every dollar of production in the refreshment beverage industry, 85 cents is retained in the Ontario economy. This is 7% higher than the manufacturing industry average.

Our members' involvement in the province does go beyond the sale of their products, however. CBA members are also responsible corporate citizens, working both together and individually to reduce the industry's environmental footprint through world-class recycling standards in production facilities, many times with up to 99% recycling rates in our facilities; and water-use reduction programs and packaging innovation, reducing our packaging footprint with less packaging and easier-to-recycle packaging. The beverage industry is also the owner of the largest fleet of hybrid trucks in North America.

Our industry has been and will continue to be an environmental leader in the consumer packaged goods industry. We are one of the original founders of Ontario's Blue Box Program started in 1986, and we will continue to be a strong supporter of that program. Our member companies are actively involved in the management and

governance of beverage container recycling all across Canada. Canadian Beverage Association members are committed to maintaining and growing our contribution to Ontario's economy and continuing to improve our environmental track record.

Regarding Bill 151, the Waste-Free Ontario Act: Overall, our industry wishes to express support for the thoroughness in the Ministry of Environment and Climate Change's consultation process. Our members support the overall objectives of reducing waste and transitioning Ontario's recycling system to a comprehensive extended producer responsibility model.

The beverage industry firmly believes that the government needs to set clear and achievable waste recovery targets for producers and ensure that maximum flexibility is given to producers in how to meet these targets. True implementation of an EPR-based strategy would allow producers to provide more innovation in programs, would generate substantial environmental benefits to Ontario through increased recovery rates and would ensure programs are run as economically and efficiently as possible.

The beverage industry has a plan to achieve such targets and is looking to introduce an innovative program to Ontario, once Bill 151 is fully implemented, which would increase recovery rates of our members' products to 75% or higher, strengthen the province's world-class Blue Box Program, educate Ontarians on the benefits of recycling and generate jobs in Ontario's circular economy.

Our plan would expand opportunities to recycle away from home across the province, from northern Ontario communities to Thunder Bay to Cornwall to Timmins to Windsor. This includes providing collection infrastructure and bins. It also includes a significant education program regarding recycling, which has not been done in this province since the 1980s.

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Similar to other provinces, we ask that the future regulations be drafted to allow for an outcome-based evaluation, in which producers are asked to meet established requirements but are not prescriptively regulated on how to achieve them and implement the proposed program.

As recommended in a recent C.D. Howe Institute report examining Ontario's recycling policy—

The Chair (Mr. Peter Tabuns): And I'm sorry to say, with that statement, you've run out of time.

Mr. Jim Goetz: —producers should be unhindered in the design of the programs.

Thank you.

The Chair (Mr. Peter Tabuns): Well done, sir.

Mr. Jim Goetz: Thank you.

The Chair (Mr. Peter Tabuns): To the official opposition: Ms. Thompson.

Ms. Lisa M. Thompson: Very good. Thank you very much, Chair. Through you to Mr. Goetz: Welcome to Queen's Park. This is the second time today I've had the

pleasure of chatting with another Mildmay native, so that's a good thing.

Mr. Jim Goetz: Wow. How often is that in Hansard?

Ms. Lisa M. Thompson: I thought you'd appreciate that.

With that said, I heard loud and clear that you liked the thorough consultations that were facilitated around Bill 151. Certainly, we agree that government should be setting targets and then getting out of the way of innovation, and allow the market to move forward with what can be realized.

I think you alluded to, if you did not say, Bill 151 as a marked improvement over what has been offered up in the past. I'm just wondering, are there any amendments that we would be remiss in not chatting about today, while we have the pleasure of your presence?

Mr. Jim Goetz: Yes. First of all, I do think the recent process has been a marked improvement. Ministry staff very early on, before getting to the drafting phase, consulted widely with municipalities, stakeholders NGOs and industry. I think the result is certainly a better product.

So far, our only concern—obviously, we've still got a long road to go in the regulations—would be, I think, echoed in some of the previous presenters around the role and scope of the authority. We certainly do understand that there does need to be data collection in order to measure and report. From what we've heard from the ministry, that is going to be their goal. But we would ask for some sort of amendments, so that there are some solid guardrails around those three roles of collecting data and measuring and reporting. That would be my only comment on that.

Ms. Lisa M. Thompson: Okay, thank you very much. For the record, taking a look back on the advancements that have been made, I know that my colleague Michael Harris certainly worked hard on improving Bill 91 in committee. Could you touch on some of the significant differences between what we saw in Bill 91, and what we see today in Bill 151?

Mr. Jim Goetz: Without specifically noting a clause, since I don't have the bills right beside me here, I would say that there is more of a focus on—it is called "extended producer responsibility" for a reason. It is the producers who are responsible. It is the producers who will possibly get into trouble if their targets are not met. There does seem to be more of a focus on allowing the producers to go out, innovate and achieve those goals and, through that, to feed the circular economy.

Just one small example for our industry: A company called Urban Polymers has recently opened up and created a couple of hundred jobs in northern Toronto. All they do is recycle PET. A large amount of our products come in PET plastic bottles. The more that we can collect here in Toronto and the surrounding area in a cost-effective way, the more we're going to be able to feed that circular economy, create jobs, help our industry get our hands on recycled material more easily, and continue to feed that circular economy, which the minister and

ministry have talked about so much. But we have to do that in a cost-effective way that protects those 7,700 jobs that we have here in Ontario.

Ms. Lisa M. Thompson: Okay. Good message there. I think it's safe to say—I even believe the minister has reflected on the fact that the recycling rates in Ontario have been stalled for a number of years. What are the top three things that we should be doing here in Ontario to move forward with the circular economy?

Mr. Jim Goetz: I have two off the top of my head. I'll have to think about the third one. We have a program which we've been operating for six years now in Manitoba, with the Canadian Beverage Container Recycling Association. Manitoba had one of the worst beverage container recycling rates in Canada. In five years we've been able to move that rate from 42% to 64%. We've now surpassed Ontario on beverage container recycling, and we continue to push towards the goal of 75%.

We've done that through a couple of ways. Extensive education programs: We're spending slightly over a dollar per Manitoban now on public education about recycling, so that is definitely having an effect. Also in Manitoba, which is something we'd like to do here in Ontario, is helping to pay for and implement away-from-home recycling infrastructure.

The Chair (Mr. Peter Tabuns): And with that, again, I'm sorry to say—

Mr. Jim Goetz: No, that's good. I was at the end of my sentence.

Ms. Lisa M. Thompson: Very good. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much.

Mr. Jim Goetz: Thank you.

TORONTO ENVIRONMENTAL ALLIANCE

The Chair (Mr. Peter Tabuns): The next presenters, then, are the Toronto Environmental Alliance. As you've heard, you have up to five minutes.

Ms. Emily Alfred: Great. I also have a submission.

The Chair (Mr. Peter Tabuns): Yes, we'll get that. If you'd introduce yourself for Hansard.

Ms. Emily Alfred: Thank you. Good afternoon. My name is Emily Alfred. I'm a senior campaigner with the Toronto Environmental Alliance, or TEA. We are a non-profit environmental organization. We've been working on waste policy at the municipal and provincial level for more than 25 years.

As you heard earlier, TEA has submitted comments on Bill 151 to the EBR registry, along with the Canadian Environmental Law Association and the Citizens' Network on Waste Management. We have also coordinated our comments with Environmental Defence Canada and the Recycling Council of Ontario, whom you've heard from yesterday and earlier today. You have a copy of our joint comments, presented earlier when Rick Lindgren spoke, and also a document dated April 7, which is suggested amendments. There are a few docu-

ments to look at, but I'll try to summarize the key points in my submission right now.

First, I want to say that we are supportive of this bill. We wholeheartedly support the strategies and goals of zero waste for Ontario and building a strong circular economy. We know that reducing, reusing and recycling materials protects human and environmental health, and that it's a fundamental part of an effective climate change strategy.

We also believe that effective zero-waste policies and programs can benefit communities and support social equity by reducing costs through stable, good green jobs and a strong economy.

However, we have some concerns about some key elements of the act and the strategy as they are written, and we believe that unless these are remedied, the bill and the strategy will not achieve their goals of zero waste and a circular economy.

As has been said by representatives from Environmental Defence, CELA and the RCO before me, defining key terms that are used throughout the act and strategy is essential. General high-level definitions will provide clarity for the public, stakeholders and government during the regulation-setting phase. This will also reduce misunderstandings in debate and speed up the regulation setting. Terms that require clear definitions include "reduce," "reuse," "recycle," "resource recovery" and "circular economy."

We support the use of provincial interests and provincial policy statements. We support the listed provincial interests, with two suggested additions and two wording changes. We suggest that some provincial interests should be added: the protection of the natural environment, and safeguarding public health.

As noted in the brief provided by CELA and RCO today, we have suggested changed wording for provincial interest (g), to promote the "highest and best use" of materials.

We also believe that provincial interest (a), zero greenhouse gas emissions from the waste sector, ought to be revised.

We strongly support the ministry's efforts to link climate change and waste. Reducing, reusing and recycling materials avoids energy-intensive raw materials extraction. This is by far the most important way that waste management decisions can reduce greenhouse gas emissions.

However, the wording in provincial interest (a), "zero greenhouse gas emissions from the waste sector," is neither a good goal nor a good performance measure. The way it is currently stated, this goal looks only at the disposal stage of waste and misses the much-larger upstream benefits caused by recycling. We believe that a life-cycle accounting approach for greenhouse gases is the only effective way to measure climate change benefits and progress towards zero waste.

As such, as mentioned in the CELA submission and in the April 7 suggested amendments, we believe that you should revise the provincial interest to "reduce green-

house gas emissions from materials management and products/packaging processing in all life-cycle stages.” I believe this recommendation is also consistent with that of the Ontario Waste Management Association and their suggested language changes.

As outlined by our colleagues at CELA in our joint brief with the RCO, the proposed waste diversion authority can and should play a crucial role in information gathering and data monitoring. However, the core government function of enforcement should remain with the province.

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Finally, on extended producer responsibility: TEA and much of the environmental NGO community has been advocating for full extended producer responsibility for a number of years, and we are very pleased to see that it is a core part of Bill 151. For an effective EPR system, there are a few key principles, and I’ll mention three of them right now.

We believe that effective EPR will not allow the transfer of liability from producers to other service providers. An effective EPR regime for Ontario requires strict enforcement and high penalties. Performance standards and targets should be higher than existing targets or performance—whichever is highest—and based on best practices achieved locally and in other jurisdictions.

In conclusion, I want to make one more comment about Bill 151. We are very pleased to see that the waste-free Ontario strategy has clear language on page 5, that energy from waste and alternative fuels are not a form of diversion but a form of disposal. This language needs to be clearly stated in the act as well.

Thanks for the opportunity to discuss this.

The Chair (Mr. Peter Tabuns): Okay, thank you very much. We’ll go to the third party. Mr. Singh?

Mr. Jagmeet Singh: Thank you. I just want to pick up with the last point. Why do you think it’s so important for clear language around diversion? Why is that important?

Ms. Emily Alfred: On the last point, we’re very concerned that energy from waste and alternative fuels are seen as only a form of disposal.

Interruption.

Ms. Emily Alfred: Sorry. That was my timer. I’m a little bit ahead of time.

The Chair (Mr. Peter Tabuns): It worked.

Ms. Emily Alfred: I think this language needs to be clear. There have been different policies and different decisions that have been made recently that we think send conflicting messages to municipalities and to waste management facilities that would seem to encourage the use of energy from waste. We think it’s important, if we want to build a circular economy, that the government is clear that reduce, reuse and recycle are the top priority, which is why we also mentioned “highest and best use” earlier.

If it’s clear up front that we want materials to be put to their highest and best use and it’s clear that energy from waste and alternative fuels and destroying materials is

considered disposal only, I think that will provide a lot more clarity and it will avoid conflict.

Mr. Jagmeet Singh: Right. And I think it also speaks to the point that disposal has other environmental impacts.

Ms. Emily Alfred: Definitely.

Mr. Jagmeet Singh: And if you refer to those activities as diversion, then you’re not capturing things that are actually having an environmental impact.

Ms. Emily Alfred: Yes. There are health and environmental impacts. Also, it’s destroying resources that should be recirculating in the economy. That’s where we get the best environmental benefit.

Mr. Jagmeet Singh: You mentioned the notion of looking at lifetime accounting of waste. Can you just go into why that’s important?

Ms. Emily Alfred: Raw materials extraction—logging, mining, searching for oil—actually has a lot more energy and environmental impact than disposal. So if we’re just looking at the waste sector and only looking at how materials are handled at the end of their life, we actually miss the most important environmental impacts and the most important environmental benefits. If we recycle a can, it uses 20 times less energy than making a can from scratch and from raw materials. So if we’re just looking at the disposal phase we miss the whole life cycle and all of the things that happen before.

Mr. Jagmeet Singh: Very good. Those were my questions. Thank you so much.

Ms. Emily Alfred: You’re welcome.

The Chair (Mr. Peter Tabuns): Thank you very much.

ONTARIO ENVIRONMENT INDUSTRY ASSOCIATION

The Chair (Mr. Peter Tabuns): Our next presenter, then, is: the Ontario Environment Industry Association, Randy Cluff and Alex Gill. Gentlemen, good afternoon.

Mr. Alex Gill: Good afternoon.

Mr. Randy Cluff: Good afternoon.

The Chair (Mr. Peter Tabuns): As you know, you have five minutes. If you’d introduce yourselves for Hansard.

Mr. Alex Gill: My name is Alex Gill. I’m the executive director of the Ontario Environment Industry Association. This is my colleague Randy Cluff. He is the chair of our resource recovery committee and with CCI biofuels.

We’d like to thank you very much for the opportunity to speak here today. As I’ve said in appearing in committee before, we have the enviable task of representing a positive side of the Ontario economy. More than 3,000 clean tech and environment companies in Ontario are the ones that are providing environmental benefits that are also providing solutions to environmental problems. Every year they generate about \$8 billion in economic activity and employ about 65,000 Ontarians.

We struck a working group across Ontario a few months ago under the guidance of Jennifer Baron from

Covanta and Mike Deprez from Walker Environmental to basically engage ONEIA members across the province and do an analysis of the proposed bill.

We want to draw your attention to one specific piece of the equation before I turn it over to Randy to give you some examples from the front lines of waste diversion; that is, the job creation equation here. We often look at the environmental benefits from a piece of legislation like this purely in terms of their return to the environment. But at ONEIA, we're very big fans of things that solve more than one problem at a time. We're very pleased to see the direction that this bill is going in because not only are we going to be able to provide good environmental benefits back to the province; we're going to create jobs in this sector. If we increase our diversion rate, our estimates are, based on the Conference Board of Canada, that we could be looking at an additional 10,000 to 13,000 jobs in the province of Ontario. Those jobs are sticky, they are local, they're very hard to export overseas and they provide a lot of value-add back to the communities, in addition to the environmental benefit.

If ever you look at the ONEIA member websites, 75% of our members say they're going to hire new employees in any given year. A lot of those jobs are the very kinds of jobs we're talking about here, that range from high-tech jobs down to materials handling and lower-tech stuff. These are very comprehensive jobs that our communities need.

I'd like to turn it over to Randy, who can offer you some examples from the front lines of waste diversion.

Mr. Randy Cluff: Thank you, Alex. I think, certainly, when we look at any type of waste resource recovery and diversion, we talk about supply chains and value chains.

I want to speak specifically about an example that is likely near and dear to all of our hearts, and that's the city of Toronto green bin program, as a great example of how we can make change in the process, to move forward and create value chains.

If you look the value chain, there are really four specific components. We have to collect the material, sort the material and capture it in our homes. We then have to collect it. We have to transfer it to processing systems, and then we have to make use of the outputs. Consequently, by keeping our organics in Ontario and in our communities, whether it's large cities like Toronto or smaller cities, the value chain holds.

It also creates a lot of jobs through that value chain. We change our collection—we have opportunities. We create broader outreach—we have local opportunities. We create infrastructure and processing systems here in Ontario—we again create that investment and those job opportunities here.

Finally, on the outputs: in the world of organics, the opportunity to take solids, liquids and gases. Certainly, we've heard mention of biogas before. We can create energies. We have compost that we can use to amend our soils and sequester and capture carbon.

At the end of the day, what we're really talking about here is an opportunity with organics, to be able to help

with the battle against climate change. It's a great untapped resource that we have, with far too many of them going to landfill. If we look at the example of the city of Toronto, we see how a 90%-plus participation rate in our residential homes is effectively collecting a large amount of organics and using them in Toronto for the benefit of Torontonians, as opposed to exporting those opportunities and that investment to other jurisdictions.

Mr. Alex Gill: That's an example that we think is scalable to communities all over Ontario, regardless of the size. We're talking about creating local jobs and producing an environmental benefit.

In conclusion, the thing we also want to offer is a reminder that we often default to the Blue Box Program. We often talk about residential collection. As Randy pointed out, that's a very important part of the waste stream.

We also have the industrial, commercial and institutional side of things, which accounts for about 60% of our waste stream. The diversion rate in that sector is only 20%. So by encouraging diversion in that sector, we can create a very sustainable supply chain that helps drive the jobs we need in Ontario.

We thank you very much for the opportunity to talk, and we're open to your questions.

The Chair (Mr. Peter Tabuns): Thank you very much. Questions go to the government: Mr. Ballard.

Mr. Chris Ballard: Thank you, Mr. Cluff and Mr. Gill, for being here today. Welcome to Queen's Park.

Mr. Randy Cluff: Thank you.

Mr. Chris Ballard: You certainly capture my attention when you start talking about economic development spinoffs and job creation, so I just want to walk through that a bit more, and maybe you can give us some enlightenment.

The proposed act and the draft strategy outline our government's support for innovation and new technology. I'm just wondering, in your view, in your experience, what actions should the government take to support innovation and new technology that reduces, reuses and recycles waste?

Mr. Randy Cluff: That's certainly an excellent question. I think we need to look at it from a couple of points of view. First off is the ability for innovative processes and solutions to be able to get approval in this province—and approval in a fashion and form that's not arduously long and expensive. I think that allows a window and an opportunity in, for those technologies to come.

Certainly, the traditional things, such as economic support for those investments—we are speaking about critical pieces of infrastructure here in Ontario, so whether it's through the use of tax credits, grants, loans, those sorts of things, they can certainly help to develop.

On the downstream side, when we look to developing markets, whether that's organics, blue box materials or anything else, certainly the ability to use those materials in a different form or fashion in an innovative way helps as well, whether we take a plastic and make an alterna-

tive product or whether we take a piece of organic and perhaps turn it into a fuel.

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These are the kinds of opportunities that we have, but we're very stalled without some support for research, development, innovation, piloting and the ability to roll these things out relatively quickly so that we can accrue the benefit faster.

Mr. Chris Ballard: So what I'm hearing is to help with research to get these sorts of new technologies and innovations up and going, and then a faster approval process, so that Ontario—or some communities in Ontario—could be the proving ground that would allow you then to demonstrate to the world this innovation and this technology built and developed in Ontario.

I guess what I'm trying to get at is the opportunities and benefits. Can you elaborate any more on the opportunities and benefits that your member companies see resulting from the producer responsibility approach that's being proposed in this act?

Mr. Randy Cluff: Certainly, one of the great challenges of any alternative waste technology or resource recovery technology is the ability to attract feedstocks and attract them in a volume and in a form that's processable. We think, certainly, that that's an important and key component of anything that we do with respect to developing the supply chain. I think that's a very important component of it.

Mr. Chris Ballard: Where would the industry now stand, from your members' perspective and others who aren't your members, compared to other jurisdictions in North America or around the world in terms of developing new innovations and new technology?

Mr. Alex Gill: I'd say we're ahead of some and behind others. It's not a bad position to be when we're trying to do something right. We've got a few people ahead of us who have made mistakes that we don't want to make, and we've got a bunch of people behind us, so that once we develop the solutions here, we can export them and actually do something with it.

It's hard to give us a ranking. I know when we've done research in the past, we've looked at jurisdictions like the Netherlands, Israel and California. Those would be three jurisdictions that I'd say we have to look at.

Further to Randy's last point, one of the things we can learn from jurisdictions that often get the equation right is that they don't focus as much on prescription. They focus on outcome. If we say, "Here's the environmental outcome we want," and further to our previous speaker's point, we enforce it strictly, but we allow the market to figure out what's the best way to meet the outcome, that's where you get the driver for the innovation. That's where you get environmental markets that start to work for one another.

To Randy's point on consistency of feedstock: We hear this not just from companies that are in the bio-digestive side or in the biofuel side. We hear this from farmers we run into, who say, "I'd love to put in a biodigester, but I'm not sure if I can get the consistent

feedstock to supplement what my farm is generating." So putting the regulations right at the start so that there's a consistency of supply—consistency of supply drives markets.

Mr. Chris Ballard: Okay, good. How much time do we have, Mr. Chair?

The Chair (Mr. Peter Tabuns): Ten seconds, so, Mr. Ballard, I think you're out of time.

Mr. Chris Ballard: Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much, gentlemen.

Mr. Alex Gill: Thank you for the opportunity.

Mr. Randy Cluff: Thank you.

CEMENT ASSOCIATION OF CANADA, ONTARIO REGION

The Chair (Mr. Peter Tabuns): The next presenter, then, is the Cement Association of Canada, Ontario region: Mr. Black. As you've probably heard, you have up to five minutes to present, and if you'd introduce yourself for Hansard.

Mr. David Black: Perfect. Thank you, sir. My name is David Black. I'm the director of public affairs at the Cement Association of Canada. Our industry provides Ontario with a reliable, domestic supply of cement, required to literally build the foundation of Ontario's communities, economy and our critical infrastructure that we all rely on.

The CAC applauds the government of Ontario's commitment to modernize the current Waste Diversion Act framework and move towards a circular economy.

The Chair (Mr. Peter Tabuns): Sorry, could you pull your mike a bit closer? We're not hearing you clearly up here.

Mr. David Black: Sorry about that. Is that better?

The Chair (Mr. Peter Tabuns): That's better. Yes.

Mr. David Black: Waste and climate change, in our eyes, are inextricably linked, and we strongly believe that the Waste-Free Ontario Act must complement the work that the province is doing on climate change and vice versa. The cement industry is eager to do its part to reduce GHG emissions, but we need Ontario's regulatory system to catch up to global best practices.

Cement manufacturing is emissions-intensive, and requires tremendous heat that is typically supplied by fossil fuels, namely coal and pet coke. In other jurisdictions, cement manufacturers have been able to reduce the carbon intensity of their fuels by over 50% by substituting coal and pet coke with lower-carbon alternatives derived from the non-recyclable waste stream, such as construction and demolition waste, agricultural waste, wood waste and non-recyclable plastics.

A 50% reduction in GHG intensity at Ontario facilities would reduce CO₂ emissions from cement production by about 500,000 tonnes per year and help divert some 2% to 3% of Ontario's non-recyclable waste from landfills.

The sorting required for recovering suitable fuels from the waste stream incents the investment in diversion

infrastructure by establishing a sustainable end market for recovered materials, and makes it more economical to recover marginal recyclables, allowing material to be put into productive reuse.

In Europe, those countries with the highest energy recovery rates from waste also have the highest recycling rates. Data from the US experience shows a similar trend.

While the use of waste-derived fuels in cement kilns is a form of energy recovery, it is significantly different from incineration in a number of important respects. Cement plants use fuel to produce a product, whereas thermal disposal sites are built to manage waste while producing electricity.

In addition, the use of waste-derived fuels in cement kilns does not create an incentive to burn waste that could otherwise be eliminated. It recovers energy and recycles some of the raw materials from waste, displacing traditional fuels like coal and pet coke. It leads to significant reductions in CO₂ without increasing other pollutants and does not produce fly ash or other residual waste, as a result of the high heat that cement plants burn at.

The province has taken steps to facilitate an increase in low-carbon fuels in Ontario's cement facilities by streamlining the regulatory approach to fuel substitution for the cement, steel and lime industries. However, the recently introduced Waste-Free Ontario Act is, by far, the most important opportunity to set the course for leadership in reducing GHGs through low-carbon fuels.

To foster investment and innovation in low-carbon fuels in Ontario, the Waste-Free Ontario Act must ensure that low-carbon fuels are formally recognized as a beneficial end use for the many types of materials that would otherwise be bound for landfills or an incinerator.

Increasing the use of low-carbon fuels in Ontario requires the following:

1. Establish a service standard for low-carbon fuels permits. Historically, the permitting process has been prohibitively slow, often taking years even to obtain a demonstration permit. We're suggesting a service standard of six months from the point of application to the final approval, to help Ontario achieve both its aggressive GHG reduction targets and to help build a circular economy within 10 years.

2. Diversion credits and incentives for fuel recycling: The Strategy for a Waste-Free Ontario specifically rules out diversion credits for alternative fuels. We believe the province should reconsider this principle for alternative fuels used in the cement sector through a sector- and material-specific diversion licence system or, more broadly, through the recognition of fuel recycling as a diversion option.

3. Landfill and incineration surcharges or bans on specific materials. We strongly support the tools in the Waste-Free Ontario Act to institute surcharges or bans for certain materials known to be good alternative fuels—

The Chair (Mr. Peter Tabuns): I'm sorry to say this, but you're out of time.

Mr. David Black: Have I used all my 10 minutes?

The Chair (Mr. Peter Tabuns): Five minutes.

Mr. David Black: Five minutes? Okay.

The Chair (Mr. Peter Tabuns): You have.

Mr. David Black: I have one more point—

The Chair (Mr. Peter Tabuns): No, I'm sorry.

Mr. David Black: Okay, go for questions.

The Chair (Mr. Peter Tabuns): I'll go to the official opposition. Ms. Thompson.

Ms. Lisa M. Thompson: I'll allow you some of my time so you can finish.

Mr. David Black: The fourth point is, funding to support market development and capital infrastructure. One of the challenges we have is having the capital infrastructure for those low-carbon fuels, and Ontario needs to help cement, lime and steel plants to fund the necessary infrastructure to do that and develop the necessary supply chains, as the previous presenter spoke to.

Ms. Lisa M. Thompson: Thank you very much. I appreciate that. You have a good message today.

Clearly, the Waste-Free Ontario Act is very much interdependent and connected with the initiative of reducing climate change and greenhouse gas emissions, which all of us in this room agree is a very serious challenge ahead of us. So I appreciate your comments very much.

Specifically, with regard to Bill 151, the Waste-Free Ontario Act: How would you amend this bill to reflect the unique business, if you will, of the ICI sector?

Mr. David Black: I don't see any specific amendments to affect our sector. I can't speak to the whole ICI sector; I'll speak to the cement industry.

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Ms. Lisa M. Thompson: Sure.

Mr. David Black: The legislation currently does enable some of these things. Like I said earlier, we do suggest that Ontario could allow for some kind of diversion credits and incentives for fuel recycling. That's to help industries like ours that are very energy-intensive and emissions-intensive. We burn a lot of coal in order to make cement, which is used to build all of the infrastructure that we see every day. It builds the Eglinton Crosstown, all our roads, bridges, sewer and water infrastructure.

Allowing us to reduce our coal use would be good. Allowing diversion credits so that some of those non-recyclable products—some of the things that are destined for landfill and have no other use, no recycling use—could be considered a fuel recycling and brought in and allowed to be used in a cement plant.

Ms. Lisa M. Thompson: Okay, very good. Before I run out of time, I'm wondering: Will you be agreeable to sharing your notes with the committee?

Mr. David Black: Absolutely. I had a printer problem so unfortunately it didn't print out 25 copies in time before I had to come.

Ms. Lisa M. Thompson: Okay. If you could send it to legislative research, that would be awesome.

Mr. David Black: I will.

Ms. Lisa M. Thompson: I did note you had a lot of suggestions in your remarks and I don't want to lose them. So thank you very much.

Now, in meeting with stakeholders through the past number of weeks, I've heard a common concern around the authority. I'm just wondering about your industry's view on this authority and the manner in which it's going to be selected. Again, the minister selects five; they, in turn, elect six. I welcome your comments with regard to the authority and its scope and how it might impact your association and industry.

Mr. David Black: I don't see it being a tremendous impact. This is somewhat of a niche issue within the Waste-Free Ontario Act, because I'm talking about reducing the amount of fuel we use from coal and pet coke and transitioning that to alternative low-carbon fuel. The broad spectrum and the overarching structure do not affect us as much, but our details are more in the implementation, the draft regulation and the regulations that will come out of the Waste-Free Ontario Act so that we can enable that. It's to put on everybody's radar how we're going to go from that, assuming the Legislature passes the legislation, to actually getting into the circular economy within the time frame of 10 years that the ministry has outlined.

Ms. Lisa M. Thompson: Going back to the low-carbon fuels, help me understand it a little bit better. You see it being used just within your industry or is there potential—we recognize that in Ontario the total global greenhouse gas emissions are less than half a percentage point, of which 34% of that is transportation. In terms of innovation and going forward with low-carbon fuels, what's your vision?

Mr. David Black: If we go back the Ministry of the Environment's initial discussion paper on carbon pricing, there's a great pie chart in there. The cement industry is about 7% to 9% of emissions throughout Ontario. By allowing us to transition to alternative low-carbon fuels, we can actually reduce our emissions, so our share of the pie, and we can help reduce the emissions coming from the waste sector by getting those products that are non-recyclable. Wood waste is a prime example. With all the construction demolition waste, that goes to landfill and sits there. It rots and methane is released, which is 25 times more intense—

The Chair (Mr. Peter Tabuns): And again, I'm sorry to say, but—

Mr. David Black: I'm out of time?

The Chair (Mr. Peter Tabuns): Your time's up.

Ms. Lisa M. Thompson: I look forward to your notes and following up.

The Chair (Mr. Peter Tabuns): Thank you very much.

Mr. David Black: Thank you.

ONTARIO CHAMBER OF COMMERCE

The Chair (Mr. Peter Tabuns): The next presenters, then: the Ontario Chamber of Commerce, Ashley Challinor.

As you have heard, you have up to five minutes to present. Then, we'll go to questions. Please introduce yourself for Hansard.

Ms. Ashley Challinor: My name is Ashley Challinor. I'm a senior policy analyst at the Ontario Chamber of Commerce. I've brought a written submission. We also have a report we wrote in November on this issue, and I've brought that as well. For that reason, I won't get into the nitty-gritty of some of our concerns. I'll just play the hits, so to speak.

We've consulted with both our members and non-members, other stakeholders and producers from various sectors and also waste management firms on their concerns with the act, but also their willingness to get behind the goals that the government has espoused. We do see a lot of overlap, but we have three issues that I'd like to briefly go over.

We'd like to see an arrangement where the government is more of a steward, setting policy and making informed decisions about measuring and evaluating outcomes rather than being prescriptive in the way that they set these goals, and then allowing industry to determine how best to create solutions, meet these outcomes and fulfill these policy goals. We feel the way to do that is through deep and meaningful consultation, and through the creation of a long-standing partnership, because we have industry that comes with deep expertise on this issue. They understand the market forces, they understand the complex web of regulation, but they also share these goals of being greener, often because it benefits their bottom line. We believe that the act needs to reflect this expertise.

That includes our second concern, which is the authority. We don't feel that the authority has the proper representation of industry. It is largely government, and so it will lack the expertise necessary to define how to set these outcomes, where this data is coming from, how best to use it and what solutions are appropriate.

We feel that the legislation is vague and potentially allows for mission creep. There have been some productive conversations about limiting the scope of the authority, but that's not explicit in the text.

We're also concerned that, rather than incentivizing and encouraging recycling or similar behaviour, the legislation is really more burdensome and not collaborative, which is what it needs to be if we're going to meet these goals since industry is going to be actually enacting all of these changes.

Our third concern is regarding the term "circular economy." In section 67(3), the inputs that go into creating a circular economy are not something that you can simply legislate into existence, especially not on an Ontario-only scale. Our members deal with multiple jurisdictions. They deal with multiple types of regulation that affect the way they design packaging, everything from food safety to, frankly, federal regulations. So this is a concern for us.

Again, we support the idea of a circular economy and we have many members who are already working

towards creating those sorts of programs under what they can control, but we don't feel that it's something that can be simply legislated into existence, and certainly not without any sort of deep partnership with industry, which has the expertise to understand what factors go into this and how we can achieve these goals in a way that isn't just dragging industry along with government, but in fact letting industry be leaders.

That's my overview of our concerns, but we do think that there is room to be optimistic. Our members and the OCC would like to have a more participatory role in the creation of a potentially extended producer responsibility regime, because we think that's how it's going to be successful, where industry is really at the table.

The Chair (Mr. Peter Tabuns): Thank you very much. For questions, I go to the third party. Mr. Singh.

Mr. Jagmeet Singh: Thank you very much for your presentation. I know there are some other folks who want to squeeze in, so please don't take this in any offensive way, but I have no questions. Thank you so much for your presentation.

Ms. Ashley Challinor: Okay. It's all right.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Singh.

ONTARIO WASTE MANAGEMENT ASSOCIATION

The Chair (Mr. Peter Tabuns): Our last presenter, then: Ontario Waste Management Association, Peter Hargreave. As you've heard, you have up to five minutes. If you would introduce yourselves for Hansard. It's all yours.

Mr. Norm Lee: Good afternoon. My name is Norm Lee. I'm the director of waste management for the region of Peel. I'm also the chair of the Ontario Waste Management Association, and it is in that role that I'm here today. I will say, however, that Peel region supports Bill 151 and supports the comments that I will be making today.

I'm joined by Peter Hargreave, who is the director of policy at the OWMA. Thank you for allowing us to present today on this important piece of legislation. I will try to be brief. We've distributed our amendments in advance.

1740

The waste management sector, like other sectors, has struggled with the marketplace distortions caused by the current Waste Diversion Act; the Waste-Free Ontario Act addresses those issues. Not only does the legislation reflect many of the positions that OWMA has advocated for, but it also embodies policy recommendations brought forward by the Environmental Commissioner of Ontario, the Ontario PC Party, the Ontario NDP and the Green Party of Ontario, who have all advocated for a new approach and a new act.

It's also important to emphasize that we strongly support the following elements of the act, which we would caution against changing without serious consideration:

—the establishment of overarching provincial interests and policy statements. We agree these should be non-binding, but they are helpful in providing clear provincial direction;

—the legislative requirement to develop a strategy that shows the path forward towards a circular economy. This further clarifies provincial direction;

—the move to an outcomes-based extended producer responsibility regime that holds organizations individually responsible for results;

—the establishment of a strong oversight body, led by a skill-based, not an interest-based, board that can provide proper independent oversight and enforcement of both the main act and the transition act; and

—the clear articulation that the Competition Act of Canada fully applies to the activities of all parties under the proposed act and that a regulatory conduct defence cannot be used.

Each of these elements will be important for the future success of this legislation and should be changed only after careful consideration.

On that note, I did observe that many of the comments at committee over the last two days deal with elements that will be dealt with in regulations. These concerns are understandable and should be heard, but I believe they are better dealt with at the regulatory stage. This act is meant to be enabling, and therefore we support the need for it to be relatively high-level.

While the OWMA is supportive of the act, it's evident that certain amendments are necessary to ensure a strong piece of legislation. Some are minor, just to improve clarity; others correct drafting errors; and a few are more significant.

I was going to focus on three of those today, but I would ask the Chair—I understand that we may be pressed for time. At your discretion, I'll either go through those three, or I'll open it up for questions right now.

The Chair (Mr. Peter Tabuns): No, you have the time to proceed. If we run out, we run out.

Mr. Norm Lee: Thank you.

The first relates to section 17, which empowers the director to direct—that is, to order—a regulated person to review their activities to determine the extent to which they are consistent with provincial policy statements. Essentially, this provision makes inherently non-binding policy statements legally binding on regulated persons through a review mechanism whereby the director can issue orders.

The ministry advises that section 17 is not intended to empower a director to do that, as policy statements are meant to provide direction, not to be binding policy tools. The ministry has other, more appropriate policy mechanisms, such as regulations, to compel actions. This is especially true for the waste management service providers, who are already highly regulated.

However, as currently worded, subsections 17(5) and (6) do empower the director to order regulated persons to take additional steps. We have provided alternative language in our submission to correct this or, at a minimum,

to afford regulated persons a right to appeal such orders to the Environmental Review Tribunal.

The second issue relates to service providers inadvertently being caught in basket clauses in the act. Section 64 limits service provider responsibilities to three areas: registration, promotion and education, and reporting and record-keeping. Despite that, the wording of the sections 68 and 69 of the act lends itself to service providers being caught more broadly. This appears to be a drafting error, and we have offered language to expressly limit service providers' responsibilities to the three areas.

The final issue relates to harmonization problems that may arise from the fact that waste management systems will be subject to requirements of regulations made under 68 and 69 and—

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say, you are out of time at this point.

Mr. Norm Lee: Okay.

The Chair (Mr. Peter Tabuns): You got pretty close. We go to the government for questions. They may well ask you to continue.

Mr. Fraser.

Mr. John Fraser: Continue, and finish what you were saying. Don't rush.

Mr. Norm Lee: Okay. I will be as quick as possible.

They will be subject to the requirements of regulations made under 68 and 69 of the act, and also to the requirements under part V of the EPA and any approvals issued thereunder.

In theory, we have no problem with section 68 and 69 regulations imposing additional, more onerous waste reduction standards or targets. But in practice, there could be a variety of logistical or competitive challenges, since the obligations imposed by these regulations are intended to be imposed upon producers, not service providers.

From the perspective of service providers, persons who hold an approval under one statute, in our view, should not have that approval jeopardized or otherwise impacted or their competitive position unfairly undermined.

As a result, we believe there is a need for a harmonization process, either to be spelled out in full in the legislation or, at a very minimum, to have regulation-making power in Bill 151 to establish the harmonization processes by way of regulation. A similar regulation may also be needed under the EPA. Our submission includes language to achieve that.

That does end my comments. Thank you for listening.

The Chair (Mr. Peter Tabuns): Mr. Fraser.

Mr. John Fraser: Thank you very much, Mr. Chair. Mr. Lee and Mr. Hargreave, thank you very much for being here today.

In a bit of a discussion with my colleague MPP Ballard here, producer responsibility is not actually a new concept. We're in part of an evolutionary process here. I want to ask you a bit about this: In legislation, we're establishing an authority that gives some ability as a data clearing house, with some producer performance incorporated into that, and also some government measures for oversight of that authority. The question simply is, does the authority have the proper mandate, and does the government have the proper oversight required, in your opinion?

Mr. Peter Hargreave: If I can just catch on that—yes, absolutely. We think that it has got the right powers and the right oversight over that body. The body is very similar to delegated administrative authorities which were brought into effect under the Tory government a number of years ago. They have a great track record for achieving more effective results, and more efficient results, than the government does. In fact, the Drummond report, which was released a few years ago, referenced that.

We think that the way the authority has been set up is absolutely appropriate. We would caution the government around concerns that may have been raised here in a few areas. One is fees. Trying to find a way to cap fees, I would suggest to you, is very, very problematic. The authority needs to have the appropriate resources to do its job. We have offered some suggestions around reasonable costs, and that those fees are set reasonably for the people that they affect, the stakeholders. I think that's a better way to go at the issue.

On board composition, there have been lots of comments around who should be on the board and who shouldn't be on the board, and how much of the board should be one interest or another. We caution strongly around the government putting anything in place around that board composition. It's an oversight and enforcement body, and that body cannot have interests, at its board level, that it's actually overseeing. That's a very important thing to keep in mind as you move forward with the legislation.

Mr. John Fraser: Okay, thank you very much.

The Chair (Mr. Peter Tabuns): And with that, we have come to the end of our list of presenters.

Members of the committee, amendments to Bill 151 are to be filed with the Clerk by 12 noon on Thursday, April 28, 2016.

This committee is adjourned until Monday, May 2, at 2 p.m.

The committee adjourned at 1750.

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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 2 May 2016

Journal des débats (Hansard)

Lundi 2 mai 2016

Standing Committee on Social Policy

Waste-Free Ontario Act, 2016

Comité permanent de la politique sociale

Loi de 2016 favorisant
un Ontario sans déchets

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 2 May 2016

Lundi 2 mai 2016

The committee met at 1401 in committee room 1.

WASTE-FREE ONTARIO ACT, 2016

LOI DE 2016 FAVORISANT
UN ONTARIO SANS DÉCHETS

Consideration of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

The Vice-Chair (Mr. Jagmeet Singh): Good afternoon, all. I'm calling the meeting to order for clause-by-clause consideration of Bill 151. You'll note that in front of you is a package of all the amendments that are numbered.

Before we begin, there's an opportunity for any questions, if anyone has any. Yes?

Ms. Lisa M. Thompson: Or comments?

The Vice-Chair (Mr. Jagmeet Singh): Yes, absolutely. Questions or general comments—absolutely, it's the appropriate time.

I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Just for the record, I recognize a lot of stakeholders here, and thank you for your interest in this particular bill. We're very pleased to have the opportunity to review Bill 151. I think all parties around this table want to see greater environmental protection and waste diversion.

I'm also pleased to represent the Ontario PC caucus, along with my colleague Lorne Coe. Our party got this much-needed conversation started. We rolled out the PC waste diversion policy in 2012, which the government, we're pleased to see and say, has now begun to adopt in large part. Our plan was very clear. We would get government and Waste Diversion Ontario out of the business of setting prescriptive requirements and imposing eco taxes, and, instead, we'd let the private sector improve environmental outcomes. Under our plan, the government would set measurable and achievable waste diversion targets, establish environmental standards, monitor outcomes and enforce the rules, and that's it. Then, we'd

leave it to the ingenuity of the private sector to find the best way to achieve those outcomes.

We're glad to see that the government has moved towards this sound approach in many areas, but we are concerned with several sections in Bill 151, particularly on product design enforcement and eco taxes. We hope the government will address our most serious concern, and that is to set a clear, legislated timeline to eliminate eco taxes. If the government can work with us on this area while reducing red tape and improving the enforcement, I'm sure we can achieve a balanced solution that will be fair to consumers and taxpayers, while increasing economic growth and environmental protection. I think you will find, Chair, that all of our amendments we put forward will demonstrate our thoughtfulness around this.

I just want to close by saying that the PC Party of Ontario cares about the environment. We care about our stakeholders. This bill is the third kick at the proverbial can, and I just want to let it be known, on record, that I'm very disappointed in this government, in this ministry, in that they tried to spin it over the weekend that we're trying to hold it up. Shame on them. There's a rumour out there. We've been hit by stakeholders. We were talking with them since the rumour hit. Shame on them for using scare tactics to demean our honest and thoughtful approach to improving this bill.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Hatfield now.

Mr. Percy Hatfield: Good afternoon. I am filling in for our environmental critic, Peter Tabuns, this afternoon, and I will be for the rest of the hearings. I didn't know I was to prepare a speech, an opening statement or to campaign for something down the road, so I'll leave it at that. I'm just pleased to be here.

The Vice-Chair (Mr. Jagmeet Singh): Well, thank you very much, Mr. Hatfield. Anyone else with any comments? I recognize Mr. Fraser.

Mr. John Fraser: It's simply to say that we'll take a look at each of these amendments based on their merits. We've looked at some of them and we'll see where we go from there. I'm looking forward to getting it done.

The Vice-Chair (Mr. Jagmeet Singh): Sounds good. Thank you very much, Mr. Fraser. Any further comments, questions or debate? Seeing none, we'll now move to consideration of the bill.

Just a bit of housekeeping: The bill consists of three sections enacting two schedules. In order to roll this out

in a way that makes sense, I would recommend that we deal with the three sections first—sorry, the exact opposite of what I was about to say. I’m so confused. We should postpone dealing with the three sections and deal with the two schedules first, and then come back to the sections because those sections are enacted by these schedules. Does that make sense?

Is everyone in agreement with that, dealing with the two schedules first? I see no dissent. Do I see any agreement? A little bit of agreement, a little bit of head-nodding in the affirmative—yes, I see some.

Mr. John Fraser: Yes, heads are shaking.

The Vice-Chair (Mr. Jagmeet Singh): Heads are shaking; that is good enough for me. Okay, we are agreed.

We’ll begin with the first motion. The first motion is a PC motion. I recognize Ms. Thompson.

Ms. Lisa M. Thompson: At this time, I would like to ask for unanimous consent to stand down this motion because it relates specifically to PC motion 27.10.

The Vice-Chair (Mr. Jagmeet Singh): Right, I actually was supposed to make that comment as well, because it is linked. I think that just makes sense to stand it down.

Is everyone in agreement? This motion is linked to a motion that’s further down in the package, and it makes sense to stand it down. Yes, everyone’s in agreement? Okay.

Ms. Lisa M. Thompson: Perfect. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): We will now move to motion number 1, which is an NDP motion. I recognize Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair, and I’m seeking your direction. Do you want me to read the entire motion?

The Vice-Chair (Mr. Jagmeet Singh): Yes, Mr. Hatfield, that’s the way the amendment works. You’d have to read it.

Mr. Percy Hatfield: I move that section 1 of schedule 1 to the bill be amended by adding the following definitions:

“‘circular economy’ means an economy that is restorative and regenerative by design, and which aims to,

“(a) keep products, components and materials at their highest utility and value at all times while distinguishing between technical and biological cycles, and

“(b) rebuild capital, whether financial, manufactured, human, social or natural;

“‘recycling’ means any activity through which materials remaining after the use of a product or packaging are processed to make new products, packaging or other things, and includes the processing of materials for use as nutrients for improving the quality of soil, agriculture or landscaping;

“‘reduction,’ when used in relation to waste, means any activity that avoids or minimizes the use of materials, or that minimizes the amount of waste generated after the use of a product or packaging;

“‘resource recovery’ means the selective extraction of material from collected products and packaging or from other sources in order to obtain maximum benefits from sources and materials, to avoid or delay the consumption of resources, or to reduce the amount of waste generated, and includes reuse and recycling;

“‘reuse’ means any activity through which all or part of a material that has been used is used again for a purpose that is the same as or similar to its original purpose;”

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or comments with regard to that amendment?

Mr. Percy Hatfield: I have none.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Any debate around this motion? Yes, I recognize Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion because a comparable government motion is introduced to define “circular economy,” “resource recovery” and “waste reduction,” in keeping with the scope and intent of the Resource Recovery and Circular Economy Act, 2016.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate or questions? Seeing none, are we now in a position to vote on this amendment? Yes? All those in favour of the motion? Okay. All those opposed? The motion is defeated.

We move now to motion number 2. I recognize Ms. Mangat.

1410

Mrs. Amrit Mangat: I move that section 1 of schedule 1 to the bill be amended by adding the following definitions:

“‘circular economy’ means an economy in which participants strive,

“(a) to minimize the use of raw materials,

“(b) to maximize the useful life of materials and other resources through resource recovery, and

“(c) to minimize waste generated at the end of life of products and packaging; (‘économie circulaire’)

“‘resource recovery’ means the extraction of useful materials or other resources from things that might otherwise be waste, including through reuse, recycling, reintegration, regeneration or other activities; (‘récupération des ressources’)

“‘waste reduction’ means the minimization of waste generated at the end of life of products or packaging, including through activities related to design, manufacturing and material use; (‘réduction des déchets’)

The Vice-Chair (Mr. Jagmeet Singh): Any explanation?

Mrs. Amrit Mangat: Chair, I support this motion because the government has heard from stakeholders, while we were developing this legislation, that terms such as “circular economy,” “resource recovery” and “waste reduction” should be defined in the proposed Resource Recovery and Circular Economy Act. The proposed motion responds to what we have heard from the stakeholders.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Just for the record, we recognize that this omission in the original draft of Bill 151 is another sign of how this government is rushing legislation. We're glad to see that the government is taking time to fix the major problems of its bill with this particular type of amendment.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Hatfield.

Mr. Percy Hatfield: I will support the motion as a sign of co-operation and as a sign of good faith, and I hope in doing so we can see some more good faith and co-operation come over to this side of the table.

The Vice-Chair (Mr. Jagmeet Singh): That sounds good.

Any additional comments or debate? Seeing none, are we now in a position to vote? All those in favour of this motion? All those opposed? The motion is carried.

We're moving now to motion 2.1. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 1 of schedule 1 to the bill be amended by adding the following definition:

"owner or operator of a waste management system" has the same meaning as in part V of the Environmental Protection Act; ('propriétaire ou exploitant d'un système de gestion des déchets')

The Vice-Chair (Mr. Jagmeet Singh): Any discussion? Ms. Thompson.

Ms. Lisa M. Thompson: You'll find that throughout this bill, Bill 151, the government refers to owners or operators of waste management systems, as do several of our own amendments, so it just makes sense to include it in the definitions.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Coe?

Mr. Lorne Coe: I'd like a recorded vote on it, please.

The Vice-Chair (Mr. Jagmeet Singh): Sure.

I should make mention: If at any time you'd like a recorded vote, just make sure that's indicated before the vote happens. That's absolutely appropriate.

Any other additional debate or discussion? I recognize Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion as the government sees it as unnecessary, as "owner" and "operator" are defined throughout the bill.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we now in a position to vote? This is a recorded vote.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): It's perfectly all right to abstain as well, in case anyone is wondering. That's also an appropriate decision to make at any time. The Chair does not judge anyone's vote.

The next motion is, coincidentally, an NDP motion. I'd ask Mr. Hatfield to move the motion.

Interjections.

Mr. Percy Hatfield: I was delayed. There was a traffic pileup.

The Vice-Chair (Mr. Jagmeet Singh): That's absolutely acceptable.

Mr. Percy Hatfield: I move that section 1 of schedule 1 to the bill be amended by adding the following subsection:

"Interpretation

"(2) A reference in this act to recycling, resource recovery or the use of material in the making of new things does not include reference to activities involving the generation of energy from the primary treatment of waste."

The Vice-Chair (Mr. Jagmeet Singh): An excellent motion.

Mr. Percy Hatfield: I think so. I'll leave it at that.

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or debate on the motion? I recognize Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion because the government believes that energy from recycling is not a part of waste.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: I would just like to say quickly that we need to be mindful always of keeping the door open to recovery.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield, did I see a hand?

Mr. Percy Hatfield: Yes. Thank you, Chair. I wasn't going to speak to it, but I'll just say that we all know that global warming is a major issue. I know the Liberal government believes that to be the case. This motion was there to block waste incineration, which of course leads to global warming. I'm just surprised that the Liberals aren't supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we now in a position to vote on the motion? Yes? All those in favour of motion number 3? All those opposed? The motion fails.

Before we begin, is there any debate on schedule 1, as now amended? I recognize Mr. Fraser.

Mr. John Fraser: Can we do that if we have an outstanding motion?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser, I think you've done very well in pointing that out. We are not able to do that at this point in time because we stood down a component of that, so we'll have to come back to that. We'll leave that as it is and move now to motion number 4. This is dealing with schedule 1, new section 1.1. It's an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: I move that schedule 1 to the bill be amended by adding the following section—before I continue, can we have a recorded vote?

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. Percy Hatfield: “Municipal advisory body

“1.1(1) A body is established, to be known as the municipal advisory body, which shall consist of one representative from each of,

“(a) the Association of Municipalities of Ontario;

“(b) the city of Toronto;

“(c) the Regional Public Works Commissioners of Ontario; and

“(d) the Municipal Waste Association.

“Regulations

“(2) The Lieutenant Governor in Council may make regulations to facilitate the organization of the municipal advisory body.”

I think it's pretty clear, so I don't have to say anything else about it.

The Vice-Chair (Mr. Jagmeet Singh): Sure. I was going to ask you if you wanted to explain the motion, but thank you very much for that, Mr. Hatfield.

Any discussion or debate? Ms. Mangat.

Mrs. Amrit Mangat: Thanks to the NDP for proposing the amendment. This responds to the request from municipalities. However, we will not support the motion because the Environmental Protection Act also already provides authority for the minister to establish any advisory committee.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate or discussion? This will be a recorded vote. Are we prepared to vote on the motion? It looks like it.

Ayes

Hatfield.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

The next motion is motion number 5.

Mr. Percy Hatfield: I get nervous when I see good motions voted down by a majority of people. When we talk about other bills going to committee, I get a sense that if we're talking election financing, this is how it would end up as well. But I'll leave that aside for the moment—just for the moment.

I move that section 2 of schedule 1 to the bill be amended by adding the following clauses:

“(0.a) protect the natural environment and human health;

“(0.b) foster the continued growth and development of the circular economy;”

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate?

Mr. Percy Hatfield: No, I'll wait for them to say why they're not supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat, I'll recognize you.

Mrs. Amrit Mangat: I would like to take this opportunity to thank the NDP for bringing this motion forward. We will be very pleased to support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Let the record show Mr. Hatfield's surprise at that comment, illustrated through gestures rather than words.

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I recognize Ms. Thompson.

Ms. Lisa M. Thompson: For the record, we're choosing to support it as well.

Mr. Percy Hatfield: I feel a sense of optimism at this committee.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate or discussion? Seeing none, are we prepared to vote on this motion?

Would you like a recorded vote? You mentioned it before.

Mrs. Amrit Mangat: Yes, Chair, we would like a recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Sure. Recorded vote requested.

Ayes

Anderson, Coe, Dhillon, Fraser, Hatfield, Mangat, Martins, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? The motion is carried.

Next motion is motion 6, an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: I move that clause 2(a) of schedule 1 to the bill be struck out and the following substituted:

“(a) minimize greenhouse gas emissions resulting from,

“(i) materials management and the processing of products and packaging, at all stages, and

“(ii) resource recovery activities and waste reduction activities;”

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or debate?

Mr. Percy Hatfield: I'm not sure; are those really Roman numerals, or are those small i's?

The Vice-Chair (Mr. Jagmeet Singh): I think we understand, for the purpose of this.

Mr. Percy Hatfield: Do you know what I mean?

The Vice-Chair (Mr. Jagmeet Singh): We do, or I'm sure someone does.

I recognize Ms. Mangat.

Mrs. Amrit Mangat: The government cannot support an amendment that seeks to restrict the scope or application of the bill.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we in a position to vote on the motion? Looks like so. A recorded vote?

Mr. Percy Hatfield: No, that's okay. In the interest of time on this one, I'll just try my coffee and—

The Vice-Chair (Mr. Jagmeet Singh): Okay. All those in favour of the motion? All those opposed? The motion is defeated.

We move now to motion 7, a PC motion—6.1, sorry. My apologies. I recognize Mr. Coe.

Mr. Lorne Coe: I move that clauses (b) and (c) of section 2 of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or debate? Ms. Thompson.

Ms. Lisa M. Thompson: We feel strongly that the government should not be meddling in the private sector in this particular case. It is not the role of government to tell a company how to design its product and packaging. The minister should not—I emphasize “should not”—set prescriptive requirements that tie the hands of entrepreneurs and innovators. Instead, we should have a government in place that is setting desired outcomes and let the ingenuity of the private sector take over and find the best way to achieve outcomes.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? I recognize Ms. Mangat.

Mrs. Amrit Mangat: Chair, the government doesn't support this motion because it would undermine the government policy, including reducing waste, advanced by the bill.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we in a position to vote? Yes. All those in favour of this motion—sorry, I should have asked: Do you want a recorded vote?

Ms. Lisa M. Thompson: No, it's okay.

The Vice-Chair (Mr. Jagmeet Singh): Okay. All those in favour of the motion? All those opposed? The motion is defeated.

The next motion is motion 7, an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: I move that clause 2(g) of schedule 1 to the bill be struck out and the following substituted:

“(g) promote the highest and best use of materials in order to minimize the environmental impacts that result from resource recovery activities and waste reduction activities, including from waste disposal, and to maximize the value of such activities;”

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate? Mr. Hatfield.

Mr. Percy Hatfield: I just believe it would strengthen the environmental impact of the bill if this was added.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The government doesn't support the motion as it's very difficult to assess the application of promoting the highest and best use, because highest and best use is not definable.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none—

Mr. Percy Hatfield: Chair—

The Vice-Chair (Mr. Jagmeet Singh): Sorry. Yes, Mr. Hatfield.

Mr. Percy Hatfield: Thank you. It may not be definable, but it's certainly well known, if you're going to make the highest and best use of something—like making the highest and best use of your time at committee. We all know what that means.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The provincial interest may lead to unintended consequences if we support that, so we are not supporting that.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? I was enjoying the back and forth. Anything further? No? Are we in a position to vote on this motion? Yes. A recorded vote? No. All those in favour of the motion? All those opposed to the motion? The motion is defeated. Please be careful of Mr. Hatfield's sensitive heart condition.

The next motion is motion 8. It's an NDP motion. I recognize Mr. Hatfield.

Mr. Percy Hatfield: Let me try something else. I move that clause 2(g) of schedule 1 to the bill be struck out and the following substituted:

“(g) encourage the highest and best use of recovered resources;”

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield, any explanation or debate?

Mr. Percy Hatfield: No, I just think it shortened it.

The Vice-Chair (Mr. Jagmeet Singh): Any further discussion? Ms. Mangat.

Mrs. Amrit Mangat: The concept of minimizing the environmental impact resulting from resource recovery and waste reduction activities is a key part of the provincial interest. It should not be removed from the bill, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we in a position to vote? Is it a recorded vote requested? No? All those in favour of the motion? All those opposed to the motion? The motion is defeated.

The next motion is motion 8.1. It's a PC motion. Mr. Coe.

Mr. Lorne Coe: Mr. Chair, through you, I'll move that the motion be withdrawn, please.

The Vice-Chair (Mr. Jagmeet Singh): Sure; motion noted as withdrawn.

We move now to motion number 9, an NDP motion. I recognize Mr. Hatfield.

Mr. Percy Hatfield: I move that clause 2(i) of schedule 1 to the bill be struck out and the following substituted:

“(i) increase, through reuse and recycling, waste diversion levels across all sectors of the economy;”

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate?

Mr. Percy Hatfield: Just that it would drive up rates of waste reduction and diversion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The existing provincial interest already speaks to increasing reuse and recycling in all sectors of the economy. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we ready to vote? Is there a recorded vote being requested? No? All those in favour of the motion? All those opposed to the motion? Thank you. The motion is defeated.

We move now to PC motion 9.1. I recognize Mr. Coe.

Mr. Lorne Coe: On 9.1, Chair, through you, I'd like a recorded vote.

I move that clause 2(i) of schedule 1 to the bill be struck out and the following substituted:

“(i) increase, through reuse and recycling, waste diversion levels across all sectors of the economy;”

The Vice-Chair (Mr. Jagmeet Singh): Sorry, I don't want to interrupt you, Mr. Coe—

Mr. Lorne Coe: Oh, I'm reading the wrong one. Sorry.

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. Lorne Coe: I move that section 2 of schedule 1 to the bill be amended by adding the following clause:

“promote the reduction, reuse and recycling of waste;”

The Vice-Chair (Mr. Jagmeet Singh): Sorry, Mr. Coe, just for formality and for clarity, you omitted reading the “m.1.” If you could just reread it?

Mr. Lorne Coe: All right, fine. I move that section 2 of schedule 1 to the bill be amended by adding the following clause:

“(m.1) promote the reduction, reuse and recycling of waste;”

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Coe. Any discussion or debate? Ms. Thompson.

Ms. Lisa M. Thompson: We found it curious on our side in the opposition that the government didn't even include the core purpose of the Waste Diversion Act in Bill 151. Ontarians understand the purposes of and the importance of the three R's—reduce, reuse, recycle—and they work hard. We've seen evidence for years that everyone is working hard to reduce waste in their own homes, donate to Goodwill and constantly recycle what they can in the blue box. The three R's are the core purpose of the Waste Diversion Act, and they've served the province so well. I must say I find it stunning that this government has forgotten about the three R's in Bill 151. This omission appears to be just another proof point of how rushed this legislation really was.

The Vice-Chair (Mr. Jagmeet Singh): I know that my niece and nephew will be really disappointed to not see the three Rs there.

Ms. Lisa M. Thompson: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

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Mr. Percy Hatfield: I'll be supporting this amendment because I believe we're on the same direction. It may be frightful to you, I know, to know that the New Democrats and the Conservatives are right on on this

one. I just can't see how anybody could possibly oppose this.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield, thank you for that. The Chair does not judge anyone's vote.

Ms. Mangat.

Mrs. Amrit Mangat: Minimizing the generation of waste including waste from products and packaging is a part of the legislation anyway, and the concepts of the three Rs—reduce, reuse, recycle—are also captured in the circular economy definition, so it's unnecessary. We have spoken about this in our government's earlier motion, so we will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion?

Mr. Lorne Coe: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Seeing none, I hear a recorded vote being called for. Are we ready to vote on this motion? Yes.

Ayes

Coe, Hatfield, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We move now to PC motion 9.2. I recognize Mr. Coe.

Mr. Lorne Coe: I'd like a recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. Lorne Coe: I move that clause 2(n) of schedule 1 to the bill be struck out and the following substituted:

“(n) foster fairness for consumers and taxpayers;”

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: We just feel that it's very important that this government should foster fairness for property tax owners, in light of the fact that they pay 50% of the fees for the Blue Box Program.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I know there are members of the audience from the Association of Municipalities of Ontario. This idea is generated by them, and it's trying to protect municipal taxpayers from getting stuck with industry's bill. The premise, of course, is that the people who produce waste should pay for the reuse and recycling of waste; it shouldn't come at the expense of municipal taxpayers.

In the city of Vancouver, when the municipal council there had tried to work with the industry to recover the full cost of the waste recycling program, they weren't able to do so, so they finally tossed in the towel and said to the industry, “We're not going to do it anymore. We're not going to subsidize picking up your waste.” There has been some talk in Ontario, at the municipal level, about Ontario municipalities doing the same thing. They're

doing it as a service to the people who produce the waste. The feeling is—and I'm speaking as a former city councillor of seven years in the city of Windsor—we shouldn't be subsidizing the industry for picking up their waste and allowing them to have it for recycling.

So it's a motion that I will be supporting. I thank AMO for making it one of their key asks, and I certainly hope the government would see their way fit to support this.

The Chair (Mr. Jagmeet Singh): I recognize Ms. Mangat.

Mrs. Amrit Mangat: The proposed legislation shifts the responsibility away from municipalities and places it onto the producer. This shift ensures fairness for the taxpayers by making producers, not municipal taxpayers, responsible for resource recovery and waste reduction. So we will not support this motion.

The Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Mr. Hatfield.

Mr. Percy Hatfield: Perhaps there's time for sober second thought here, because what I just heard was that municipal taxpayers shouldn't be paying for this, and in fact they are, be it 25%, 40%, whatever number you want to use, depending on the municipality. The municipal tax base is being taxed to pay the subsidy on the cost of the recycling, be it blue box, red box or whatever. It shouldn't fall on the municipal tax base to pay the full cost; it should be on the producer. The producer should accept responsibility and pay the full cost of recycling, and that isn't happening. It's no problem on the producer. All they have to do is change either their methods or their pricing to recover the cost of taking back what they put out into the economy, into the waste stream, if you will.

If we're going down this road, don't come crying to us when the municipalities say to you, "You've really messed it up. We're getting out of the Blue Box Program because you won't help us. You won't understand that it's costing municipal taxpayers a lot of money." You guys should be listening. You guys should be listening to the Association of Municipalities of Ontario. You should be listening to your home municipalities when they say to you, "We need some help here. We're trying to save municipal tax dollars and you aren't helping." You are not helping with this motion by voting it down.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Chair, I would like to reiterate here that this proposed legislation—the shift ensures fairness for taxpayers by making producers, not municipal taxpayers, responsible for resource recovery and waste reduction. So we will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we ready to vote on this motion? It looks like so.

Ms. Lisa M. Thompson: It's a recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): It's a recorded vote, yes; it's been noted before.

Ayes

Coe, Hatfield, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We move now to NDP motion 10. I recognize Mr. Hatfield.

Mr. Percy Hatfield: I move that section 2 of schedule 1 to the bill be amended by adding the following clauses:

"(n.1) promote fairness to taxpayers;

"(n.2) promote the goals of zero waste, zero greenhouse gas emissions and reintegration of recovered resources;

"(n.3) promote, in descending order of priority, waste reduction, reuse and recycling, with enforceable requirements to maximize use of recovered resources;

"(n.4) promote the highest possible resource recovery rates with a view to increasing those rates over time, without permitting reductions in related service standards;"

I would ask for a recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted. Any further discussion? Mr. Hatfield.

Mr. Percy Hatfield: Similar to the last time, Chair, this is moved to protect the municipal taxpayers and to increase the overall effectiveness of the bill itself.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: Chair, I have already spoken to this. The proposed legislation already shifts responsibility to manage end-of-life products and packaging away from municipalities and onto the producer. It will be done through our strategy, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: The PC Party of Ontario believes that we should be unleashing ingenuity and get out of the way of the innovation of the private sector as opposed to putting hurdles up.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: We are seeing an example, I guess, of recycled answers, the reuse of answers: That's two of the three Rs right there. I won't get to the recovery part, because there's no recovery from this kind of a voting down of these motions.

The fact of the matter is, they're not listening. They're not listening to the municipal tax base, they're not listening to the people who presented, and they're certainly not listening to the opposition members on the committee. I'm disappointed.

The Vice-Chair (Mr. Jagmeet Singh): Any further discussion or debate? Seeing none—it's a recorded vote.

Ayes

Hatfield.

Nays

Anderson, Coe, Dhillon, Fraser, Mangat, Martins, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We move now to motion 10.1. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that clause 2(o) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Someone from the Conservative Party to explain? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: We have to reiterate our concern about this particular aspect of the bill, because it allows the government to "do any other related thing" to regulation. Given the current track record this government has, we just can't trust them to get anything right.

Really and truly, this bill has been in the works for quite some time. It was first introduced last fall, and they've only called it—we're here in committee now, this spring, in 2016. The government should have had the foresight to lay out the necessary provincial interests by now. Again, I don't think we can trust this minister to have an open-ended authority to set out provincial interests.

The Vice-Chair (Mr. Jagmeet Singh): Any further discussion or debate? I recognize Ms. Mangat.

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Mrs. Amrit Mangat: Chair, this motion removes the ability of the government to develop additional policy statements in the future. That is available through the mechanism of consultation. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Mr. Hatfield.

Mr. Percy Hatfield: I agree.

Mrs. Amrit Mangat: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): We are now moving to a position—is there a recorded vote requested on this? No? Are we now in a position to vote on the motion? Yes? All those in favour of the motion? All those opposed to the motion? The motion is defeated.

We move now to NDP motion 11—I apologize. We have another step before we do that.

That completes all the amendments in schedule 1 of section 2, as amended. Before we continue schedule 1, section 2, as amended, is there any debate or any comments or questions with respect to that? Seeing none, shall schedule 1, section 2, as amended, carry?

Mrs. Amrit Mangat: Carried.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat, you did it right. There was no problem with that. Schedule 1, section 2, as amended, is carried.

We now move to schedule 1, section 3, NDP motion 11. Mr. Hatfield.

Mr. Percy Hatfield: I did so want to vote against the last motion, Chair, but wasn't given the opportunity.

The Vice-Chair (Mr. Jagmeet Singh): Oh, no, you could've—

Mr. Percy Hatfield: I couldn't have done anything until you asked what I wanted to do.

The Vice-Chair (Mr. Jagmeet Singh): Oh, my goodness. When I say, "Shall it carry?", then you say, "No," and then I say, "All those in favour?"

Mr. Percy Hatfield: I'm sorry. It's obviously my fault. Let me apologize for that, but let me also apologize to any francophone members in the audience on this one in advance.

I move that subsection 3(1) of schedule 1 to the bill be struck out and the following substituted:

"Strategy

"(1) In order to support the provincial interest, the minister shall, no later than 90 days after the day this section comes into force,

"(a) develop a strategy entitled Strategy for a Waste-Free Ontario: Building the Circular Economy in English and Stratégie pour un Ontario sans déchets: Vers une économie circulaire in French; and

"(b) publish it on a website of the government of Ontario."

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate?

Mr. Percy Hatfield: In both official languages? No.

The Vice-Chair (Mr. Jagmeet Singh): Either one. Whatever you can do.

Mr. Percy Hatfield: I just think it ensures that the strategy is developed in a timely fashion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Yes, I recognize Ms. Mangat.

Mrs. Amrit Mangat: Building the Circular Economy to be developed and published within 90 days of proclamation is a great thing. We agree to it and we support it.

Mr. Percy Hatfield: Merci beaucoup.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Yes and, certainly, just so we're on the record: We always support anything that improves accountability and transparency. Good job.

Mr. Percy Hatfield: Look at that.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Are we prepared to vote on the motion? All those in favour of the motion? All those opposed to the motion? The motion is carried.

The next motion is PC motion 11.1. I recognize Mr. Coe.

Mr. Lorne Coe: And a recorded vote, please.

I move that section 3 of schedule 1 to the bill be amended by adding the following subsection:

"Assembly

"(1.1) The minister shall lay the strategy, and any amendment to the strategy, before the Legislative Assembly."

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson for an explanation.

Ms. Lisa M. Thompson: Again, in the spirit of accountability and transparency, we feel that this amendment would require the minister to provide strategy amendments directly to the House. It's very important to give the public and elected representatives time to review the strategy and any amendments before it gets implemented.

As I said before, this amendment strengthens the whole concept of accountability and transparency.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I believe all political parties in the Legislature say that they stand for transparency. This is a way of putting that transparency into legislation, so I'll certainly be supporting it. I can't understand anybody opposing it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The proposed act already provides that mechanism for extensive public consultation of the strategy, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser.

Mr. John Fraser: It's also published on the EBR, so it is transparent and it is accessible, contrary to my esteemed colleague's assertion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: We'll just agree to disagree on that.

Can we have a recorded vote, please?

The Vice-Chair (Mr. Jagmeet Singh): Duly noted. A recorded vote has been noted. Any additional debate or discussion? Not seeing any, are we now prepared to vote on the motion? Yes.

Ayes

Coe, Hatfield, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

The next motion is PC motion 11.2. I recognize Mr. Coe.

Mr. Lorne Coe: Thank you, Chair, and through you, I'd like a recorded vote again, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Mr. Lorne Coe: I move that section 3 of schedule 1 to the bill be amended by adding the following subsection: "Implementation

"(1.2) The minister shall not implement the strategy, or any amendment to the strategy, until at least 30 days have passed since it was laid before the Legislative Assembly."

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: I think it's very important that this amendment gets supported because the public and the elected representatives need time to review the strategy and amendments, as I've mentioned before, because there's a big issue here. We're seeing a trend in various committees where this government has rushed legislation and, therefore, it's correcting much of its work on the fly in committee.

I can't stress enough: We just can't trust this government to get anything right, and so we would really appreciate the opportunity—in the spirit of accountability and if they feel good about their work, they should be able to provide it for review by both the public and by elected officials before anything else gets implemented.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Mr. Hatfield.

Mr. Percy Hatfield: Just following up on what has just been stated: In the House in recent weeks we've heard a lot about the election financing crisis, if you will, and the fact that the Liberals want to take it to committee and back to the House because they say that this is the democratic way. We know, of course, that others have asked for either an inquiry or a non-partisan panel to hold those discussions, with the chief elections officer of Ontario chairing it.

The Premier or the finance minister will stand up in the House and say, "The committee is the best place to do it. It's the most democratic process. This is the democratic way we do it. We take it to committee; we bring it back in the House. That's the democratic way of doing it."

What has been put forward to us is an idea that this will increase the power of the Legislature and allow for public debate over what is going into this bill. For transparency, for democracy, this seems to me to be the way to go as opposed to having a majority on a committee make a decision and then that's it. I think the timing is there, the democracy is there, the transparency is there, and again, I can't see why anyone would not support it.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Mangat.

Mrs. Amrit Mangat: The proposed legislation already provides that mechanism during the development and any amendments to the strategy, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Anyone else with discussion—

Mr. John Fraser: The last motion didn't pass, so we can't support this motion either; right? It wouldn't fit.

Ms. Lisa M. Thompson: Just support the original one.

Mr. John Fraser: I don't think so, no.

The Vice-Chair (Mr. Jagmeet Singh): Are we prepared to vote on the motion?

Mr. Lorne Coe: A recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted.

Ayes

Coe, Hatfield, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

PC motion 11.3: Mr. Coe.

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Mr. Lorne Coe: I move that subsection 3(3) of schedule 1 to the bill be amended by striking out “Within 10 years after the strategy is developed and at least every 10 years thereafter” at the beginning and substituting “Within five years after the strategy is developed and at least every five years thereafter”.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Simply put, 10 years is way too long to review a strategy. The manner in which innovation is being adopted in this day and age—we feel that a five-year review is much more in line with how our private sector and our world is evolving, and we want to be responsive to that.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I’ll support it for exactly those reasons, Chair. Five years is a better timeline. I believe it will make the plan more responsive to any change. It just makes more sense to me.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: While we were developing this legislation, we heard from the stakeholders very clearly that the 10-year review is broadly supported by the stakeholders. The minister already requires a progress report to be undertaken every five years, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Are we in a position to vote?

All those in favour of the motion? All those opposed to the motion? The motion is defeated.

The next motion is PC motion 11.4. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 3 of schedule 1 to the bill be amended by adding the following subsection:

“Publication

“(4.1) The minister shall publish the results of any review described in subsection (4) on the registry under the Environmental Bill of Rights, 1993 and lay them before the Legislative Assembly.”

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Just moments ago, we heard the government member opposite reference the EBR as a place to go to. In that spirit, we feel that this amendment would require the minister to publish the results of a review on the EBR and provide them to the House. So there’s no reason why this government should be

opposing this particular amendment, I believe, based on the comments that we heard earlier.

Again, Chair, it’s just about transparency and accountability. We need to ensure as we move forward, given that it’s Ontario taxpayers and businesses and enterprises that are shouldering the burden, that the review and outcomes be public and available for review.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: Thanks to the New Democratic Party of Ontario back in 1993, when they brought in the Environmental Bill of Rights. I see this as a good improvement, that we could do this. It increases transparency. How often have we heard, in the House, the Premier and cabinet ministers say, “We are the most transparent government in the history of Ontario”? Of course they’d be more transparent if this was adopted. So I’m just waiting to see the reaction.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: The minister is already required to consult on any proposed strategy or proposed amendment to the strategy through the Environmental Registry. So it is unnecessary, and we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: With regard to the minister consulting, I just have to let it be noted on record, on behalf of stakeholders and Ontarians, that this government’s concept of consultation leaves a lot to be desired and people just don’t trust it.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser?

Mr. John Fraser: The motion is redundant.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or comments? Seeing none, are we prepared to vote on the motion?

All those in favour of the motion? All those opposed to the motion? The motion is defeated.

Shall schedule 1, section 3, as amended, carry? Here, someone could say “no” if they wanted to and then I would say, “All opposed.”

Interjection: We all said “carried.”

The Vice-Chair (Mr. Jagmeet Singh): You all said carried. I just feel a little bit sad about last time so I want to make sure there’s no problem.

Mr. Percy Hatfield: The last time I felt very strongly about certain clauses, but not so much this time.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Mr. Hatfield, I just want to make sure it’s fair.

Mr. Percy Hatfield: Oh, it’s fair, all right. If you’ve got a majority, it’s fair.

The Vice-Chair (Mr. Jagmeet Singh): Schedule 1, section 3, as amended, is carried. Thank you very much, everybody.

Now we’re moving to schedule 1, section 4: We have PC motion 11.5. Mr. Coe.

Mr. Lorne Coe: I move that paragraph 2 of section 4 of schedule 1 to the bill be amended by striking out “to support the strategy’s goals” at the end and substituting “to support the strategy’s goals and to maintain private sector competition”.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Over the last number of years, we've seen this particular government, more often than not, opt for command-and-control economics, which, essentially, is sidelining our private sector competition.

This government has adopted a very bad habit of picking winners and losers. Even as late as last week at the Economic Club there was clear evidence that this particular Minister of the Environment and Climate Change chooses, and is going down a path that will continue to pick winners and losers. Governments should not be creating prescriptive rules to direct the operations of companies. It should simply set outcomes and targets and let the private sector determine the best ways to achieve those outcomes.

We need to stop this government from meddling and let the private sector flourish and excel. So in every review of the strategy, the minister should have to present how the competition is being maintained.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion because the strategy already has outlined actions to support competition.

The Vice-Chair (Mr. Jagmeet Singh): Any additional—Ms. Thompson.

Ms. Lisa M. Thompson: Again, I can't stress enough: We have seen the burden on Ontario taxpayers' shoulders grow and grow as this government chooses winners and losers on a regular basis. It's a travesty. In this particular instance, and around this motion, we feel that the government should be getting out of the way and letting the private sector move forward to achieve the outcomes and targets and, in that spirit, present how competition is being maintained.

The Vice-Chair (Mr. Jagmeet Singh): I recognize a couple of people, so I'll just go around in a circle. Ms. Mangat.

Mrs. Amrit Mangat: Chair, that's why we are terminating industry funding organizations: to remove barriers for the competition. So we will not support this.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser.

Mr. John Fraser: To the member opposite, I just want to say that this is about producer responsibility. It's a series of pressures and supports, which requires government and business to work together, and working together does not mean prescribing everything to those businesses. There are many successful models of government and business working together to ensure that things that are good for all of us get done.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Coe and then Ms. Thompson.

Mr. Lorne Coe: Through you, Chair, a recorded vote, please. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote, yes, noted. Ms. Thompson.

Ms. Lisa M. Thompson: I'm just wondering: Did I hear the member opposite saying that government should

be out of the way of letting the private sector move forward to innovate?

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Fraser.

Mr. John Fraser: What I said was that it's a series of pressures and supports when you're trying to achieve something and that governments and businesses work together towards that goal. That's what I said.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Hatfield.

Mr. Percy Hatfield: I think it's kind of getting muddled here, but in this particular bill, it's not just about the government; it's not just about business; we also have to take into account the municipalities. I think we're forgetting about the municipalities in this trio. We're turning it into a duo, but it's a trio. We've got to consider the municipal role with government and business when we're doing this.

1500

Interjection.

Mr. Percy Hatfield: Well, there could be more. All right, so we'll have a quartet. But whatever it is, I think, with all due respect, the wording in this amendment muddles the intent, so I will not be supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: The only pressure that's really going to result from this Liberal initiative is the pressure on Ontario taxpayers as this government continues to choose winners and losers.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we ready to vote?

Ms. Lisa M. Thompson: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote has been noted.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Hatfield, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We now move to motion 12. It's an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: I move that section 4 of schedule 1 to the bill be amended by adding the following subsection:

"Performance measures, requirements

"(2) The performance measures referred to in paragraph 3 of subsection (1) shall include,

"(a) a performance measure for assessing waste reduction that is based on the total reduction of waste disposed of, and not just on the reduction of waste disposal in landfills; and

“(b) a performance measure for assessing the decrease of hazardous and toxic substances in products and packaging.”

The Vice-Chair (Mr. Jagmeet Singh): Any discussion?

Mr. Percy Hatfield: I think it gives us measures for accountability. It's one thing to say, “We're going to do this, and we've done that,” but when you have to account on a performance basis and you can actually measure what has been accomplished, then I think that gives us accountability. I would hope for unanimous support on it.

Mrs. Amrit Mangat: Chair, we are having those performance measures in our strategy and then legislation, and that will allow us to improve those performance measures over time as needed. So we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion?

Mr. Percy Hatfield: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote noted. Are we ready to vote on this motion? Yes, okay.

Ayes

Hatfield.

Nays

Anderson, Coe, Dhillon, Fraser, Mangat, Martins, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

Moving now to motion 12.1, a PC motion: I recognize—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): No? Guys, I'm getting ahead of myself here.

The question is, shall schedule 1, section 4 carry? I did not hear a no. Schedule 1, section 4 carries. Okay.

Now moving to schedule 1, section 5. PC motion 12.1: Mr. Coe.

Mr. Lorne Coe: I move that section 5 of schedule 1 to the bill be amended by adding the following paragraph:

“3. A summary of economic activity related to the reduction, reuse, recycling and disposal of each class of designated waste under this act during the period covered by the report.”

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: A core objective, in our understanding of this bill, is to increase economic activity associated with the recycling sector. This amendment would require the minister to report on economic activity created by waste diversion activities in each progress report. It makes sense that we follow through and support this particular amendment. Of course, we would use

waste diversion to assess the progress of the programs under this bill.

Again, we won't know the complete picture until we ascertain exactly how much economic activity has been attained.

Do you have anything to add?

The Vice-Chair (Mr. Jagmeet Singh): Mr. Coe?

Mr. Lorne Coe: Yes. Thank you. At the end of the day, what we're looking for here is a mechanism to strengthen the reporting requirements. We believe that the context of this amendment does that, Chair, and when you're ready, I'd like a recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, discussion? Ms. Mangat.

Mrs. Amrit Mangat: Chair, the required progress report already includes the requirement for actions taken to support the strategy's goals. These actions include environmental and economic activities related to resource recovery and waste reduction. So we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we ready to vote? Yes. A recorded vote is noted.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much. The motion is—sorry?

Mr. Percy Hatfield: All those abstaining, or is abstention just—

The Vice-Chair (Mr. Jagmeet Singh): It's just not noted. Or it's noted, but you don't have to indicate it.

The motion is defeated.

We move now to motion 12.2. It's also a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 5 of schedule 1 to the bill be amended by adding the following paragraph:

“4. A summary of the costs imposed on brand holders, as defined in section 59, during the period covered by the report as a result of the act and its regulations.”

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Again, to protect Ontario consumers, Chair, the minister should be reporting on the total costs being passed on to brand holders. Again, it's all in the spirit of accountability and transparency. We believe the government must be fully transparent with its costs that it's imposing on brand holders because at the end of the day, as I said, those costs will be passed along to consumers. Those pockets of the consumers are getting really tight.

The Vice-Chair (Mr. Jagmeet Singh): It's true. In life, this is true.

Any additional—Mr. Hatfield?

Mr. Percy Hatfield: I'll oppose the motion, Chair. I believe we're on a slippery slope here against producer responsibility if this passes. I believe producers should be responsible for their total costs. If we don't hold them to that, then we're down a slippery slope, so I'll be opposed to it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: The cost and benefits to brand holders would be assessed in the new responsibility model, as my colleague said. That will be taken care of in the development of regulations. So we will not support that motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Again, just to sum up: This particular bill is asking brand holders to take on more responsibility of the end-of-life management of the waste. I would be surprised if we didn't all agree that this particular amendment is the right direction to be going.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Fraser.

Mr. John Fraser: I'm just a little surprised that after all this talk with regard to businesses supporting it, you would be interested in disclosing what might be somewhat proprietary information for businesses where it may affect their share value, exposure of their market share—a variety of things that are a central core to their business. I don't think businesses have been asking for this.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Again, this is just in the total spirit of accountability and transparency and taking a responsible position with regard to Ontario taxpayers.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we prepared to vote on the motion? Yes. All those in favour of motion 12.2? All those opposed? The motion is defeated.

Shall schedule 1, section 5 carry? Carried. Okay. All right; it sounds like it carried. Section 1, schedule 5 is carried.

We move now to schedule 1, section 6. The motion is 12.3, a PC motion.

Mr. Lorne Coe: I move that section 6 of schedule 1 to the bill be amended by adding the following subsection: "Implementation

"(2) The minister shall not implement the strategy, or any amendment to the strategy, until at least 30 days have passed since notice of the strategy, or the amendment, was provided to the public in accordance with the Environmental Bill of Rights, 1993."

Chair, this amendment is really critically important because it will give the public and the elected representatives time to review the strategy and any amendments before it's implemented. That's critically important.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Mangat.

Mrs. Amrit Mangat: This motion is unnecessary as the Environmental Bill of Rights registry requirements

already apply and require a 30-day consultation period. So the government will not support this motion.

1510

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Again, in the spirit of making sure that both the public and elected representatives have an opportunity to review, and in the spirit of democracy that we heard the member of the third party speak of earlier, we feel it is reasonable to be asked that the strategy not be implemented until 30 days after it has been posted, simply.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser?

Mr. John Fraser: The motion is redundant. We won't be supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Seeing none, are we prepared to vote on this? Was there a recorded vote mentioned on this one?

Mr. Lorne Coe: No.

The Vice-Chair (Mr. Jagmeet Singh): Shall we vote on this motion? Yes. Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

Shall schedule 1, section 6 carry? Schedule 1, section 6 is carried.

There are no amendments that have been provided for schedule 1, section 7; however, is there any debate on that section? Seeing no debate on the section, we'll now move to the vote on the section. Shall schedule 1, section 7 carry? Carried.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Please note, for the record, Mrs. Martins' "hurrah."

We are now in a position to deal with schedule 1, section 8: government motion 13.

Mrs. Amrit Mangat: I move that section 8 of schedule 1 to the bill be amended by striking out "an offence to which subsection 45(7) of the Competition Act (Canada) would provide a defence" and substituting "a contravention of the Competition Act (Canada)".

Chair, we move this motion in response to the comments from the Competition Bureau of Canada, so I support this.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: This motion appears to be an attempt to make an administrative fix to the bill, and I was wondering if the government could provide a clear explanation of your motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: The intent of the broad reference is to limit or prevent regulated persons from successfully claiming that the bill authorizes them to engage in any competitive behaviour. This is the clarity I would like to provide to the member from the opposition.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote requested. Any additional debate or discussion? Seeing none, a recorded vote is noted.

Ayes

Anderson, Coe, Fraser, Mangat, Martins, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): Opposed? The motion is carried.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I don't think you do.

Mr. Percy Hatfield: Good to know.

The Vice-Chair (Mr. Jagmeet Singh): You're going to be recorded as abstained, I'm pretty sure.

Mr. Percy Hatfield: I could have been out of the room.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield, just to clarify, your name won't show up in the record.

Mr. Percy Hatfield: Okay, I won't argue.

Mr. Jagmeet Singh: You can. I don't mind.

Mr. Percy Hatfield: I don't want to argue. If I was out of the room, my name wouldn't be on the record. I'm in the room; I abstained. I don't want to argue, though.

The Vice-Chair (Mr. Jagmeet Singh): Let me just confer with the Clerk.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I can provide more clarity if you like, Mr. Hatfield, but it's just not recorded.

Mr. Percy Hatfield: My interest is completely gone, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Sure.

The motion, as we indicated, carries.

We'll continue to PC motion 13.1. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 8 of schedule 1 to the bill be amended by adding the following subsection:

"Guidelines

"(2) The minister shall establish guidelines consistent with the Competition Act (Canada) that promote and foster a competitive marketplace among brand holders, as defined in section 59, and owners and operators of waste management systems."

A couple of facts that we'd like to bring forward in this particular amendment are that we want to ensure that everyone understands that competition be an organizing principle within the recycling sector going forward, and that we believe that government should lay out clear guidelines that promote and foster private sector competition. My colleague to my left spoke about the context and importance of that.

Going forward, it's an expectation that we have as a caucus, and I hope that my other colleagues around the table agree with that particular approach.

We'd like a recorded vote on this, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote noted. Any additional debate or discussion? Ms. Mangat.

Mrs. Amrit Mangat: The current proposed bill supports and fosters an open and competitive marketplace for businesses, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser.

Mr. John Fraser: It's not appropriate to be making guidelines in the area of federal jurisdiction, so I won't be supporting the motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: I just want it to be noted that the command-and-control structure of the Liberals' recycling cartels have created a system that was more focused on planning economic activity and imposing eco taxes than on creating jobs or protecting our environment.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The provincial interest would include an aim to promote competition and also allow the minister to issue a policy statement to provide for the direction. It is already allowing competition for the businesses, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Well, to that end, we're happy to see that the government has conceded a key PC demand to create a competitive marketplace within the recycling sector, but we worry about the command-and-control structure.

Mrs. Amrit Mangat: Chair, I would repeat what I had said earlier.

The Vice-Chair (Mr. Jagmeet Singh): Anyone else? Seeing none, this is a recorded vote. Are we prepared to vote on this motion? Yes.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

Shall schedule 1, section 8, as amended, carry? Carried.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, what was that, Mr. Hatfield?

Mr. Percy Hatfield: Schedule 1, section 8.1?

The Vice-Chair (Mr. Jagmeet Singh): That's a new section.

Now we're going to NDP motion 14. It is creating a new section: schedule 1, section 8.1. Mr. Hatfield.

Mr. Percy Hatfield: I move that schedule 1 to the bill be amended by adding the following section:

“Administration not to be delegated

“8.1 The administration of the provisions of this act or of the regulations shall not be delegated to a delegated administrative authority under the Delegated Administrative Authorities Act, 2012.”

The purpose of the motion is to ensure that the authority is not a full-fledged designated authority.

The Vice-Chair (Mr. Jagmeet Singh): There is some concern around this being outside the scope. I will entertain this motion. I'll provide you an opportunity to explain it.

Mr. Percy Hatfield: I believe that I just did, Chair. It's just to make sure that the authority is not a full-fledged designated authority.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Any discussion or debate? Yes, Ms. Mangat?

Mrs. Amrit Mangat: Chair, the current proposed legislation sets clear roles and responsibilities for the government and the authority, so this motion is unnecessary. We will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion or debate?

Despite the fact that this may be somewhat out of the scope, I'll allow for a vote on this motion. Are we in a position to vote on it? Okay. Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

The next motion is NDP motion 15.

Mr. Percy Hatfield: I move that schedule 1 to the bill be amended by adding the following section:

“Freedom of Information and Protection of Privacy Act

“8.2 The authority is deemed to be an institution under the Freedom of Information and Protection of Privacy Act, and its chair is deemed to be its head.”

1520

The Vice-Chair (Mr. Jagmeet Singh): Would you like to provide an explanation?

Mr. Percy Hatfield: Very simply, it's just to provide for the transparency of the authority itself.

The Vice-Chair (Mr. Jagmeet Singh): Any discussion on this motion? Ms. Mangat.

Mrs. Amrit Mangat: The Freedom of Information and Protection of Privacy Act only applies to information in the custody and control of government actors—that is, crown agencies and ministers—and not for the non-crown agencies.

The Vice-Chair (Mr. Jagmeet Singh): Not for the—

Mrs. Amrit Mangat: Non-crown agencies. The authority is a non-crown agency, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion?

On this motion, although I understand the intent of it, Mr. Hatfield, and I think it's an important issue, it does fall outside the scope of the sections that are being opened up by this bill, so I have to deem this motion out of order. It's beyond the scope of the bill, but thank you for the motion.

Moving on to the next motion: motion 16, an NDP motion.

Mr. Percy Hatfield: I move that schedule 1 to the bill be amended by adding the following section:

“Environmental Bill of Rights, 1993

“8.3(1) A proposal under consideration with respect to this act is deemed to meet the criteria for public notice under subsection 15(1) of the Environmental Bill of Rights, 1993, subject to subsection 15(2) of that act.

“Same

“(2) A proposal under consideration with respect to a regulation made or to be made under this act is deemed to meet the criteria for public notice under subsection 16(1) of the Environmental Bill of Rights, 1993, subject to subsection 16(2) of that act.”

The Vice-Chair (Mr. Jagmeet Singh): Any explanation?

Mr. Percy Hatfield: Very briefly, Chair: That's just to ensure that it applies to the Environmental Bill of Rights.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: As the Ministry of Environment and Climate Change is a prescribed ministry under the Environmental Bill of Rights, any proposal for any environmentally significant act or policy is automatically subject to the consultation provisions under section 15 of the Environmental Bill of Rights, 1993. So this motion is redundant and we will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or discussion? Are we in a position to vote on the bill? Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

Moving to motion 17, an NDP motion: I recognize Mr. Hatfield.

Mr. Percy Hatfield: I move that schedule 1 to the bill be amended by adding the following section:

“Ombudsman Act

“8.4 The authority is deemed to be a governmental organization for the purposes of the Ombudsman Act.”

The Vice-Chair (Mr. Jagmeet Singh): Any explanation on this, Mr. Hatfield?

Mr. Percy Hatfield: Basically, Chair, it gives citizens the Ombudsman's protection under this legislation. The Ombudsman would come into play should there be reasons for concern that we need somebody to delve into and perhaps be a mediator in a dispute.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: The government doesn't support this motion. The Ombudsman Act only applies to government organizations such as ministries, commissions, boards and agencies, and authorities in non-government organizations. So we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion or debate?

Mr. Percy Hatfield: A recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): I wanted to allow as much leeway as possible. Based on what's

opened up by the act, this doesn't—before I make a ruling, let me just double-check.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): That's fine. I'll allow this. Although there's some concern around it being out of order, I will allow this to continue.

You wanted a recorded vote as well?

Mr. Percy Hatfield: I do, Chair, but if I may say, just before the vote, perhaps if the table wants to rule a future motion out of order, you could say so at the beginning rather than me taking the time to read it. Maybe give me a brief moment to express my moral outrage at such a ruling, but otherwise I wouldn't have to read the whole thing.

The Vice-Chair (Mr. Jagmeet Singh): All right.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): The issue is, if I rule before, then you can't read it or talk about it. You're not allowed to discuss it. So it's leeway to allow the issue to be raised.

Mr. Percy Hatfield: I withdraw what I just said.

The Vice-Chair (Mr. Jagmeet Singh): No problem. But on this one, we'll go ahead.

A recorded vote has been indicated. We'll move now to the vote.

Interjection: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes, Mr. Fraser.

Mr. John Fraser: I think the motion is out of order, so I won't be supporting it. I just want to get that on the record.

The Vice-Chair (Mr. Jagmeet Singh): That's fair. Thank you for that, Mr. Fraser.

Any other debate, discussion? No?

Ayes

Coe, Hatfield, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

There are no amendments to schedule 1, section 9. Any debate on schedule 1, section 9? Seeing no debate, are we in a position to vote on schedule 1, section 9? Yes? Shall schedule 1, section 9, carry? Carried.

Moving now to schedule 1, section 10, the first motion is government motion 18. I recognize Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 10(1) of schedule 1 to the bill be amended by striking out "A person or entity exercising" wherever it appears in paragraphs 1 and 2 and substituting in each case "A person or entity when exercising".

The Vice-Chair (Mr. Jagmeet Singh): Thank you—

Mrs. Amrit Mangat: Chair—

The Vice-Chair (Mr. Jagmeet Singh): Sorry. Thank you very much, Ms. Mangat. Please, if you'd like to explain, yes.

Mrs. Amrit Mangat: Thank you, Chair. I support this motion because the overarching provincial interest in resource recovery and waste reduction would apply to key decision-makers, including the province, municipalities, producers, waste management services providers and those responsible for waste management systems. So I support this clause.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Coe.

Mr. Lorne Coe: Chair, certainly I'm supportive of any steps on the part of the government to clean up the legislation, and this is largely a technical change.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: In the interest of full co-operation and extending the hand of friendship in the hope of eliciting support for future NDP motions, I too will be supporting this government amendment.

The Vice-Chair (Mr. Jagmeet Singh): Any further discussion or debate? Shall we now move to the vote? Excellent. Shall the motion carry? All those in favour? All those opposed? Okay. This motion carries.

We'll move now to PC motion 18.1. Mr. Coe.

Mr. Lorne Coe: Thank you, Chair. I—

Ms. Lisa M. Thompson: No, no.

Mr. Lorne Coe: Go ahead.

Ms. Lisa M. Thompson: Actually, if I may, Chair?

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson, yes. Sorry, I recognize Ms. Thompson.

Ms. Lisa M. Thompson: We're going to ask for unanimous consent to stand down this motion as it relates to sections 67 to 70. So in that spirit of co-operation that we just had, we ask for unanimous to stand down.

1530

The Vice-Chair (Mr. Jagmeet Singh): Certainly. I think in cases where it doesn't flow, that's a very reasonable request, to address the other sections before dealing with this one. Is everyone in agreement with that? No issues? Okay, that's fine. This will be stood down.

Now we move to schedule 1, section 11, motion 19, NDP motion. I recognize Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 11(1) of schedule 1 to the bill be amended by striking out "may issue" and substituting "shall issue".

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or discussion on that?

Mr. Percy Hatfield: Very briefly, Chair: It just ensures that the policies will be issued—shall be issued.

The Vice-Chair (Mr. Jagmeet Singh): Any debate or discussion? Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion because the minister should have flexibility to determine, in consultation with the stakeholders, when government direction to the policy statements should be issued. So we will not be supporting that.

The Vice-Chair (Mr. Jagmeet Singh): Any addition? Mr. Coe?

Mr. Lorne Coe: As I read and understand this amendment, it would compel the minister to issue policy statements. We've seen the practice and efficiency of that, rather than keeping it optional. As a caucus, we oppose policy statements, so I'll be opposing this.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I know in legal terminology there's a big difference between "may issue" and "shall issue." In a former life as a journalist at the Canadian Broadcasting Corp., I was privileged to be on the bargaining committee several times—the national bargaining committee and the national grievance committee. We had glorious fights over the words "may" and "shall." The management may do something, as opposed to the management shall do something—big difference. And it goes both ways: The employee may be responsible or the employee shall be responsible. Whatever it is, "may" and "shall" mean totally different things, actually.

If we're talking about reporting—"shall issue" something, as opposed to "may issue"—in the interest of transparency and in the interest of accountability, it just makes sense to me that you would go with the stronger word to ensure the transparency, to ensure the accountability. That's why the motion, in good faith, was put forward.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: There is a wide range of stakeholders who would be involved when there will be policy statements and all that, so there needs to be an extensive consultation, so it's very important that ministers should have the flexibility to determine. So we will not support this motion.

Mr. Percy Hatfield: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Any additional debate or discussion? Seeing none, we're in a position to vote.

Ayes

Hatfield.

Nays

Anderson, Coe, Dhillon, Fraser, Mangat, Martins, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

Moving now to motion 19.1, a PC motion: Mr. Coe.

Mr. Lorne Coe: I move that subsection 11(1) of schedule 1 to the bill be amended by striking out "may issue resource recovery and waste reduction policy statements" at the end and substituting "may issue policy statements that are limited to setting out waste diversion targets for classes of materials designated under subsection 60(1)."

To speak to it, as I said earlier to the amendment we just discussed as a committee, we believe that policy

statements are an unnecessary addition to this bill. They simply create regulatory overlap, duplication and conflict. For that reason, we feel this change is necessary.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I wonder if I can propose a friendly amendment? Instead of "may issue policy statements," it is changed to "shall issue policy statements."

Interjection.

Mr. Percy Hatfield: I'm just trying to strengthen your motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield, if you would like to do that, you're absolutely entitled to bring a motion. It has to be in writing, and we can absolutely recess and do that—

Mr. Percy Hatfield: I could ask for a 20-minute recess, Chair, but I will not, in the interest of—I get the sense from my opposition colleagues that they are not interested in a friendly amendment.

The Vice-Chair (Mr. Jagmeet Singh): That's good. Thank you for—

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Mr. Hatfield. If I understand you correctly, you don't want to proceed with the amendment to the motion?

Mr. Percy Hatfield: Or the 20-minute recess.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Moving along, back to Ms. Thompson.

Ms. Lisa M. Thompson: Just to come back to the motion at hand, we know this government likes to handcuff people through the use of policy statements. Given that, and that we recognize it, we're just trying to make the best out of a tough situation here. With that, we believe the use of policy statements should be limited with regard to setting waste diversion targets. That way, we avoid the minister attempting to control the design of products and packaging.

The Vice-Chair (Mr. Jagmeet Singh): Any additional—Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion as it limits the application of policy statements when it comes to setting of targets. We are not supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Mr. Hatfield.

Mr. Percy Hatfield: Chair, I "shall" oppose this motion as well.

The Vice-Chair (Mr. Jagmeet Singh): Thank you for that clarity, Mr. Hatfield. I appreciate it. Any additional debate or discussion? Ms. Thompson?

Ms. Lisa M. Thompson: Again, we—

The Vice-Chair (Mr. Jagmeet Singh): Please don't use the words "may" or "shall."

Ms. Lisa M. Thompson: I "shall" not use—yes.

In all seriousness, we feel strongly that we can't be handcuffing through policy statements. Again, as I mentioned earlier, given the propensity of this government to tie people's hands through policy statements, we just thought this was an effort in the spirit of enabling dexterity in the marketplace, to allow a little bit of oppor-

tunity, to let the marketplace determine how to move forward in addressing targets.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Fraser and then Ms. Mangat.

Mr. John Fraser: This motion waters down the legislation and I won't be supporting it.

Mrs. Amrit Mangat: Policy statements go beyond the producer responsibility model. They are intended to provide criteria, guidelines and principles, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion?

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote requested. Are we in a position to vote on this motion? Okay.

Ayes

Coe, Hatfield, Thompson.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): Just because of the confusion, let's take that vote again.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Hatfield, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated. The reason for that clarity was that otherwise a member's use of the word "shall" would have been called into question. We needed to make sure that was clear.

Moving now to motion 19.2. It is a PC motion. I recognize Ms. Thompson.

Ms. Lisa M. Thompson: I move that subsection 11(1) of schedule 1 to the bill be amended by striking out "may issue resource recovery and waste reduction policy statements" at the end and substituting "may issue policy statements that are limited to setting out waste diversion targets for classes of materials designated under subsection 60(1) and setting out activities that would support achieving those targets."

Mr. Lorne Coe: What this motion is intended to do—and I think it's clear to the committee members. It would keep policy statements limited—and I underscore limited—to setting targets and activities that support achieving those targets.

1540

When you read through the legislation, this speaks to the spirit of the legislation. By no means is it intended to undermine it. What it's saying, again, is, setting targets and activities that support achieving those targets. I think that's an objective that's worthwhile working towards.

It's what we heard from the delegations over the course of two days.

I would ask the committee members—and I know that it has been a couple of hours already and we have several hundred more to go through. This is one motion that I think really speaks to the spirit and direction of the legislation.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: As I said earlier, policy statements go beyond the producer responsibility. Policy statements are intended to provide criteria, principles and guidelines on implementing the provincial interest as it relates to resource recovery and waste reduction. So the government will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Ms. Thompson.

Ms. Lisa M. Thompson: I'd be remiss if I didn't mention that we all know how well the provincial policy statement has worked across the province. We're very worried that additional policy statements are going to yank people down the same path. We feel that the amendment that we put forward would keep a focus and reduce regulatory overlap and keep the sights limited to setting targets and activities supporting the overall goal of this bill.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate or discussion?

Mr. Lorne Coe: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote, noted. Thank you, sir. Shall we move to the vote? Yes.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Hatfield, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving now to motion 19.3: Mr. Coe.

Mr. Lorne Coe: I move that subsection 11(1) of schedule 1 to the bill be amended by striking out "resource recovery and waste reduction policy statements" at the end and substituting "resource recovery policy statements."

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Again, referencing the deputations that we heard last week and being respectful of the concerns shared with us by stakeholders, we believe that policy statements are absolutely unnecessary in terms of adding them to Bill 151. This particular amendment would prevent the minister from overreaching and attempting to control the design of products and packaging through said policy statements.

This particular amendment would see the minister focus on resource recovery as opposed to dabbling and tying hands with regard to product design and packaging.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: Minimum requirements or standards related to producer obligation would be set out in regulation to ensure they are enforceable. So we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser?

Mr. John Fraser: This motion weakens and undermines the legislation. I won't be supporting it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Actually, again, we agree to disagree. This is something we clearly heard during deputations from our stakeholders. We feel that this is an important step forward to have the minister focusing on resource recovery as opposed to tying hands. This is what the industry is looking for.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, let us move to the vote.

Mr. Lorne Coe: A recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote requested. Yes; absolutely.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Hatfield, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We move now to motion 20, an NDP motion. I recognize Mr. Hatfield.

Mr. Percy Hatfield: It's a very important motion.

I move that clause 11(2)(a) of schedule 1 to the bill be struck out and the following substituted:

"(a) representatives of municipalities;"

The Vice-Chair (Mr. Jagmeet Singh): Explanation, if you'd like?

Mr. Percy Hatfield: We've heard earlier: When I was making reference to the cross-table fight between the government and the official opposition about business and government, I referred to them as a "duo" as opposed to a "trio" of municipalities.

Municipalities have a major role to play in the collection of the blue box, red box and green box and in the reuse, recycle and reduce collection of producer waste. Municipalities are subsidizing the cost of this. Municipalities carry out the function. Municipal tax dollars are used for this when they shouldn't be; it should be full producer responsibility.

The bottom line is that you need the voice of the municipalities at the table. You need to understand what your partners in this are saying and what their representa-

tives are telling them at the local level. This is a local function carried out municipality by municipality across the province. Every municipality is different and the concerns are different, but there will be a coordinated municipal voice that has to be heard. The intent of this motion is just to add that the representatives of municipalities will be heard.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: My colleague is going to be very happy. I fully agree with him. Municipalities have the ability to participate and they should have the ability to participate in the development of the policy. We fully agree with you, and we support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much, Ms. Mangat, for the great news.

Any additional comments or debate on this motion? Seeing none, shall we move to the vote? All those in favour of the motion? All those opposed to the motion? The motion is carried.

Because this Bill 151 committee is not time-allocated, there are no scheduled breaks. The Chair, perhaps, would need to take a brief break if it's okay with the members of the committee. Could I indulge you all for a 15-minute break so we can return at 4 o'clock? Am I reading that right?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Something like that—4:03, 4:04.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): That strategically? I did not know that at all. There you go; you can use it for that purpose as well, if you like. Is that okay with everybody? Everyone is okay with that? Great. We're on recess until 4:04.

The committee recessed from 1548 to 1608.

The Vice-Chair (Mr. Jagmeet Singh): The committee is now resumed. Thank you so much for that break. It was tremendous for me; I hope it was tremendous for you.

We will recommence with Conservative motion 20.1. I recognize—

Ms. Lisa M. Thompson: Oh, we did that one already.

The Vice-Chair (Mr. Jagmeet Singh): We did it already? Are you sure? No, 20.1, according to us, has not been done yet.

Ms. Lisa M. Thompson: Okay.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: I move that clause 11(2)(b) of schedule 1 to the bill be struck out and the following substituted:

"(b) representatives of brand holders, as defined in section 59;

"(b.1) owners or operators of waste management systems;"

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Any discussion or debate? Ms. Thompson.

Ms. Lisa M. Thompson: Sure. This motion specifically states that the government must consult with brand

holders and service providers rather than persons engaging in resource recovery.

We all agreed that brand holders should be responsible for the end-of-life management of designated waste and it is service providers who will work with brand holders to meet this responsibility. We feel strongly that it must be clearly laid out in this proposed act that each group should be consulted on the development of policy statements.

The Vice-Chair (Mr. Jagmeet Singh): Anyone—Ms. Mangat.

Mrs. Amrit Mangat: This motion limits the scope of consultation. As we know, there will be relevant stakeholders during the development of any policy statements, so we are not going to support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate? Ms. Thompson.

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted. Any other discussion or debate? Seeing none, are we ready to vote? Yes.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We'll move to—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Pardon me?

Mr. Percy Hatfield: Did I hear my name called? I was opposed. I didn't hear my name called.

The Vice-Chair (Mr. Jagmeet Singh): Yes, he voted opposed. Okay. Let's make sure that happens again.

Nays

Anderson, Dhillon, Fraser, Hatfield, Mangat, Martins.

Mr. Percy Hatfield: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Thank you for your diligence, Mr. Hatfield. The motion is defeated.

Moving to motion 21, an NDP motion, I recognize Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 11(2) of schedule 1 to the bill be amended by adding the following clause:

“(b.1) the municipal advisory body established under subsection 1.1;”

Of course, that didn't happen. I guess I should have withdrawn that. I wasn't paying attention. I was so caught up in seeing Prince Harry in the hallway—

The Vice-Chair (Mr. Jagmeet Singh): Yes, yes. That's it. Because it's connected to the previous motion,

it's now no longer in order and it's deemed out of order. Thank you for that, Mr. Hatfield. I should have caught it as well.

Moving now to motion 21.1, I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 11(2) of schedule 1 to the bill be amended by adding the following clauses:

“(b.1) representatives of brand holders, as defined in section 59;

“(b.2) owners or operators of waste management systems;”

I'd like a recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted. Any additional discussion? Yes, Mr. Coe.

Mr. Lorne Coe: To the motion, it's service providers who work with producers to meet this responsibility I just spoke of. We all agree, hopefully—and we'll find out in a moment—that producers should be responsible for the end-of-life management of designated waste.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The consultation list already includes brand holders, owners and operators of waste management systems and representatives of persons engaging in resource recovery and waste reduction activities, so this motion is redundant. We will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I always try to keep an open mind, but I think I'm coming across a trend here to contain producer and private sector responsibility. I'll be opposed to this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion? Ms. Thompson.

Ms. Lisa M. Thompson: We just feel very strongly that it must be clearly laid out in this proposed act that each group should be considered and consulted on the development of policy statements. We feel very strongly about that.

The Vice-Chair (Mr. Jagmeet Singh): It's a recorded vote. Are we in a position now to vote on the motion? Yes.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Fraser, Hatfield, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We move now to motion 21.2, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that clause 11(2)(c) of schedule 1 to the bill be struck out.

This particular subsection is largely designed, committee members, to ensure that the government consults with the companies, municipalities and individuals who will be most affected by a policy statement. Really

important here: Paragraph (c) creates a legal requirement for the minister to consult—consult—with a particular type of special interest group.

Those are my comments on the motion. I'm sure my colleague to my left will have additional comments that she'd like to add as well.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: This is nothing but a straightforward attack on the environmental sector. You can call them "special interest groups," but everybody deserves to have a say in this matter, and the people who are out working to protect the environment have a voice, and a voice that should be heard loud and clear. I think the intent of this amendment, with all due respect, is to silence that voice. I'll be opposed to it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: I fully agree with my colleague Percy Hatfield. Everyone should have a right to voice their opinion. Environmental groups play a very important role in resource recovery and waste reduction activities, and they should be consulted during the development of any policy statement. I will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Well, we feel it's important to see this particular motion passed because, again, the concept of consulting in this government leaves a lot to be desired.

Reflecting on what our honourable member from the third party just said, that everyone deserves to have a say, especially those who care most about the environment, why, then, did the government not include agricultural groups? They are the best stewards of the land. I represent a large section where—Huron—Bruce could be considered one of the bread baskets of Ontario. The fact that they're not listed here gets me riled up. This is very short-sighted. I just don't want to stop with agricultural groups, though. Taxpayer groups, consumer protection groups, aboriginal groups, urban planning groups: Why shouldn't they be consulted as well?

We're not in favour, at all, of picking winners and losers. Here we have, yet again, a government demonstrating that they just don't care about certain sectors, and they're choosing one over another. It's not right. We are not in any way in favour of giving special treatment to unaffected groups that don't really get impacted by what's happening in this particular bill. Instead, we're in favour of making sure that those affected by the provisions in this particular bill are consulted.

The fact that parties in this room may not understand the complete sincerity and fairness that is coming through in this particular motion is going to be shameful. I have to be straight up about that.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I'm moved—I'm moved—by what I've just heard, and I would support a PC sub-amendment to add farmers' groups to the bill. If the member feels strongly that farmers' groups is a category

that should be added, I'd gladly support that, and some of the other groups as well. But I don't want to eliminate environmental voices just for the sake of eliminating other voices. If you want to add voices, I'll gladly listen to the reasoning for that, and probably support most of them.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: I disagree with my friend Lisa when she's saying, "Why not consult with agricultural groups?" The Ontario Federation of Agriculture represents 36,000 family farm businesses. I was reading their letter, and they are saying that they are very supportive of Bill 151.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Again, we can't get lost in the weeds here. This is just the plain, simple initiative of picking winners and losers again. We could debate what type of group until Harry leaves this building later today, but the fact of the matter is that this is another attempt of the government to choose winners and losers. We just are not in favour of giving special treatment to anyone, especially unaffected groups, with regard to this particular bill.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we in a position to vote on this motion? Was there a recorded vote requested?

Mr. Lorne Coe: No.

1620

The Vice-Chair (Mr. Jagmeet Singh): Okay. Are we in a position to vote? Yes. Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

We move now to motion number 22. I recognize Mr. Hatfield.

Mr. Percy Hatfield: I move that section 11 of schedule 1 of the bill be amended by adding the following subsection:

"Timing requirement

"(2.1) The minister shall begin developing a policy statement and consulting on it in accordance with subsection (2) no later than the first anniversary of the day this section comes into force."

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or discussion?

Mr. Percy Hatfield: I think it's important to drive the policy statement delivery, the timing of it, to make sure that there is a timeline to be followed. The bill, I believe, would be enhanced by such a declaration.

The Vice-Chair (Mr. Jagmeet Singh): Moving to Ms. Mangat.

Mrs. Amrit Mangat: We agree with that recommendation and we support that. I fully agree that the minister should begin the development and consultation on the first policy statement within a year of the section coming into effect. Thank you very much for bringing that forward, and we support it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion or debate? Seeing none, are we in a position

to vote on this motion? It looks like it. Shall the motion carry? All those in favour? All those opposed? The motion is lost—or, no; it is carried. I'm so used to motions being lost.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): My apologies. The motion carries. Congratulations to all. You're paying attention. That's great. Thank you, Ms. Thompson, for noting that test. It was just a test, not because I in any way made a mistake. Excellent. So that motion is completed.

Moving onto PC motion 22.1: recognizing Mr. Coe.

Mr. Lorne Coe: I move that section 11 of schedule 1 to the bill be amended by adding the following subsection:

"Assembly

"(3.1) The minister shall lay every policy statement, and every amendment to a policy statement, before the Legislative Assembly."

Chair, the basis for the amendment is, as we've talked about earlier today, the transparency and accountability of government information. We believe that every policy statement as well as every amendment to a policy statement should be provided to the House. That's the underpinning of this particular amendment.

I'd like a recorded vote, please, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Ms. Mangat.

Mrs. Amrit Mangat: The proposed legislation has required the minister to publish each new or amended policy statement on a government website, EBR and in the Ontario Gazette, and to provide further notice to the members of the Legislative Assembly. So we will not be supporting this.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I think it's a great motion. I think it supports transparency and the power of the Legislature. I just can't understand how anybody could possibly vote against it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Again, this is just about fulfilling and walking the talk when we embrace the concept of democracy. To echo the comments from the esteemed member from the third party, I don't know how anyone could vote against it.

The Vice-Chair (Mr. Jagmeet Singh): Very passionate pleas for democracy from both Mr. Hatfield and Ms. Thompson. Acknowledged.

Ms. Mangat?

Mrs. Amrit Mangat: I think this government is walking the talk. Whatever transparency and accountability has happened, it has happened under the watch of this government.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Ms. Thompson.

Ms. Lisa M. Thompson: Yes. Ontarians elect us to represent them at Queen's Park and, because of that, they

expect to see and hear credible debate in the House. By not supporting this particular motion, this government is purposely taking that away from the voters of Ontario.

The Vice-Chair (Mr. Jagmeet Singh): Additional? Mr. Fraser.

Mr. John Fraser: Nobody is taking any chance for debate away. It's being published on a government website, the EBR, the Ontario Gazette—there are lots of opportunities for people to have access to this, both members and non-members, and lots of opportunity in debate and in question period. I really refute my colleague's remarks. I think they're off base.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Again, clearly this is an area where we are going to agree to disagree, because when I hear the EBR come up, I have to share and put it on record that stakeholder after stakeholder contacts me with concerns about the EBR and the fact that when information should be public on the EBR, it absolutely isn't. We can't trust that the EBR will facilitate the type of democracy that we stand for in the PC Party of Ontario.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments or debate? It has been a lively one. No? Okay. Are we in a position to vote?

Ms. Lisa M. Thompson: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): It's a recorded vote, yes. It has been noted. Let's move to the vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Anderson, Dhillon, Fraser, Mangat, Martins.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving now to motion 22.2, a PC motion: Mr. Coe.

Mr. Lorne Coe: I move that section 11 of schedule 1 to the bill be amended by adding the following subsection:

"Implementation

"(3.2) The minister shall not implement a policy statement, or an amendment to a policy statement, until at least 30 days have passed since it was laid before the Legislative Assembly."

The Vice-Chair (Mr. Jagmeet Singh): Any explanation?

Mr. Lorne Coe: Yes, please. Again, the basis for this particular amendment, committee members, is that it would give the public and elected representatives time to review the policy statements and any amendments to them before they're implemented. It's to the premise—as we've talked about previously, and I know I'm being repetitive—of strengthening accountability and improved transparency.

I know that my colleague opposite has pointed out the extent of consultation and dialogue in the Legislature, but what's important in this process is that there's ongoing dialogue and scrutiny and opportunity to engage all levels of stakeholders, including elected representatives. At the end of the day, we're accountable to the people who elected us. The more we're involved in that process, I think it strengthens the process. That's my commentary on this particular amendment.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: This motion is related to a series of motions aimed at restricting the implementation of the bill, so we will not support this motion. My colleagues have spoken about transparency and accountability. I think our government has shown leadership when it comes to transparency and accountability to strengthen democracy. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser?

Mr. John Fraser: Is this motion out of order or not possible, given the fact that we've voted down those—I think it's out of order now because we've defeated the motions that had that requirement.

The Vice-Chair (Mr. Jagmeet Singh): I understand, Mr. Fraser, where you're coming from. The motion can be read on a stand-alone basis and would still work on a stand-alone basis, though I see where you're saying that there have been related motions that have been struck down. Because this motion could stand on its own without those, it's still in order.

Now we can move to further discussion. Yes, Mr. Hatfield?

Mr. Percy Hatfield: I thought for a minute there we were getting time allocation, but we're not. There are one, two, three, four, five, six, seven, eight—with yourself, nine members on the committee. What the bill amendment proposes is to bring it to the House and leave it there for 30 days for further time for discussion. There are 107 voices in the House at the moment and nine voices here. By putting it there for at least 30 days, it would inform all members of the House as to exactly what is on the table. I think that is in the interests of democracy. I think that is in the interests of transparency.

I agree with Ms. Mangat that the government has demonstrated, from time to time, transparency and accountability. But it's not always what has happened in the past; it is what is happening at the present and in the future. If you want to continue to be known as a government that believes in transparency and accountability, I believe you should look at well-intentioned motions such as this and say, "I've got some speaking notes here, but the people that wrote them aren't here to hear what has just been said, so perhaps it's time to change what was written in advance and look at transparency and accountability on a go-forward basis and come to realize that this isn't such a bad suggestion. This is something we could all live with."

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I'll just leave it at that. In the interest of transparency, accountability and democracy, it makes sense to support this.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser?

Mr. John Fraser: Thank you very much. I respect the member's passion, but there is a road that's paved with good intentions.

Mr. Percy Hatfield: We just voted on that a couple of years ago, and look what happened.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Are we ready to vote on this motion? Yes? Excellent. Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

Motion 22.3; it's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 11(4) of schedule 1 to the bill be amended by striking out "Within 10 years after a policy statement is issued" at the beginning and substituting "Within five years after a policy statement is issued".

I'll defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: We spoke to this earlier. The reality is that 10 years is just way too long. In terms of fairness, astute review and responsibility, and given the pace at which innovation and the marketplace move and evolve, 10 years is just out of date and out of touch. Unless they want to keep "10 years" in to reflect how out of touch this government is, we feel that every five years is sufficient for the review and that 10 years is just way too long.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: Thank you, Chair. Let alone 10 years, 10 weeks ago the Legislature wasn't seized with a reform of the election finances; 10 weeks ago we were dealing with other matters. So five weeks ago our priority shifted to what we now deem important issues.

When you have a 10-year life cycle, you can quickly become—in this day and age, with the technology that we have—rapidly out of date. Even five years is a long time. Some people might suggest that three years would be more appropriate. I'll support five years because I do believe that in five years our system may be facing different circumstances. By then, we will certainly have had sufficient time to regulate, digest and evaluate the changes that have been made. You know, a five-year time period is only one more year than a normal election cycle, which gives the voters in Ontario time to reassess, evaluate and determine whether that was the direction they wanted to go four years previous.

I think a five-year time frame is appropriate. I think a five-year time frame is something that, upon reflection, perhaps the government might say, "Maybe that does give the industry enough time to see if indeed changes should be made on their behalf, let alone the municipal voices and so on." Five years from now, a lot of those things that have been put into place might not be the same as they are today.

I'll be supporting the motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: The 10-year review period very much aligns with the existing timelines and requirements for provincial plans and strategies under other related provincial legislation, such as the Planning Act. So we will not be supporting this recommendation.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we in a position to vote on this motion? Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

NDP motion 23: I recognize Mr. Hatfield.

Mr. Percy Hatfield: Thank you, Chair. I recognize you as well.

Laughter.

The Vice-Chair (Mr. Jagmeet Singh): You're becoming all too familiar today.

Mr. Percy Hatfield: I move that section 11 of schedule 1 to the bill be amended by adding the following subsection:

"Consultation re amendments

"(4.1) The consultation requirements of subsection (2) apply with necessary modifications to the amendment of a policy statement."

The Vice-Chair (Mr. Jagmeet Singh): Thank you, sir. Would you like to provide any discussion or explanation to that?

Mr. Percy Hatfield: Very briefly, sir, it just ensures that the consultation actually happens. I hope we would agree that it's good to be consulted.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: We feel that amendment number 24 better reflects the intention for the minister to consult not only during the development but also during the amendment of policy statements. We will not favour this statement.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, are we ready to vote? Yes? All those in favour of this motion? All those opposed? The motion is defeated.

We move now to motion 24, also an NDP motion. Mr. Hatfield.

Mr. Percy Hatfield: It's awfully lonely down in this corner.

I move that section 11 of schedule 1 to the bill be amended by adding the following subsection:

"Consultation

"(4.1) In considering whether to amend a policy statement, the minister shall consult, in the manner the minister considers appropriate, with the persons listed in subsection (2)."

The Vice-Chair (Mr. Jagmeet Singh): Any explanation?

Mr. Percy Hatfield: No, I'll just leave it at that.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: While the intention is similar to amendment 23, we feel that this wording better reflects the intention for the minister to consult not only during the development but also during the amendment of policy statements.

Thank you for putting forward this amendment. We will support this.

Mr. Percy Hatfield: Oh, thank you.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion? Ms. Thompson.

Ms. Lisa M. Thompson: We like the idea of requiring consultation before a policy statement because, again, it's making the best of a poor situation. There were many times before—and I'm sure the third party can echo this. We talk to stakeholders, and they say, "We've never been consulted."

We embrace the notion behind this NDP motion and we'll be supporting it as well.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion or debate? Seeing none, are we ready to vote? Looks like it. Shall the motion carry? All those in favour? All those opposed? The motion is carried.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): There's a bit of a wave going on. It's in solitude with our baseball team—or in solidarity, not solitude. That's the wrong word there, guys.

Mr. John Fraser: It will be solitude if they keep playing that way.

The Chair (Mr. Jagmeet Singh): Right; that's what some people are saying. Thank you for that.

Now we are moving on to motion 24.1. It's a PC motion. I recognize Ms. Thompson.

Ms. Lisa M. Thompson: We withdraw this. We withdraw 24.1.

The Vice-Chair (Mr. Jagmeet Singh): It's noted as withdrawn. Thank you.

Now moving on to motion 24.2: Mr. Coe.

Mr. Lorne Coe: I move that section 11 of schedule 1 to the bill be amended by adding the following subsection:

"Implementation

"(7.1) The minister shall not implement a policy statement, or any amendment to a policy statement, until at least 30 days have passed since notice of the policy statement, or the amendment, was provided to the public in accordance with the Environmental Bill of Rights, 1993."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Thompson.

Ms. Lisa M. Thompson: Again, in the spirit of accountability and transparency, we feel this particular motion is very important because it gives the public and elected representatives an opportunity to review the policy statements. We stand firm on this, and that's why some people might say, "Oh, here they go with the same old talking points." But time and again, we'll always stand firm on saying that the public, as well as elected representatives, deserve and should have the right to review policy statements.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments? Ms. Mangat.

Mrs. Amrit Mangat: I understand that this motion is important, but the public consultation requirements

outlined in the Environmental Bill of Rights, 1993, apply. So we will not support that motion.

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The Vice-Chair (Mr. Jagmeet Singh): Yes, Mr. Coe.

Mr. Lorne Coe: We only need to look as far as some of the existing policy statements that the government has put in place for some of the challenges that exist within those policy statements, where an opportunity for greater transparency and accountability was present but wasn't taken up. We actually have another opportunity here before us to allow elected representatives to review the policy statements and any amendments that they feel would strengthen it, but again, there doesn't seem to be a willingness to land on the space of greater accountability and transparency.

It's becoming a bit of a circular discussion at this point, isn't it? Yet the proof is in the pudding of what has transpired with existing policy statements and some of the downside that has occurred. We don't need to look very far.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: My comment actually reflects on what I'm hearing from stakeholders and constituents with regard to the EBR. I respectfully agree to disagree when I hear the EBR referenced as a "mode of consultation" because we just have to look to the Green Energy Act and the manner in which concerns, complaints and absolutely valid concepts and ideas were totally ignored when they were entered into the EBR.

We feel that relying upon the EBR has not worked in the past under this government. Therefore, we cannot trust that it will work going forward. That's why this particular amendment was important.

The Vice-Chair (Mr. Jagmeet Singh): Any additional—Ms. Mangat.

Mrs. Amrit Mangat: I would like to reiterate that this motion is unnecessary. Public consultation requirements are already outlined in the Environmental Bill of Rights, 1993. That applies to this one, too.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser.

Mr. John Fraser: I concur with my colleague. I disagree that the Environmental Bill of Rights is ineffective or hasn't been used properly. It provides for what is in this motion, so this motion is unnecessary and I won't be voting for it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: I would just like to let it be known that if anybody's interested in receiving copies of the information that's been submitted to the EBR and not responded to, I would be very glad to share it with all the members of government sitting opposite to demonstrate how many concerns and efforts to consult are being ignored.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Mr. Hatfield.

Mr. Percy Hatfield: Can you share that with me, too?

Ms. Lisa M. Thompson: Absolutely, Mr. Hatfield.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, questions, concerns? Are we ready to vote on this motion? Yes? Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

We have now completed all the amendments for schedule 1, section 11. Now, any debate on schedule 1, section 11 in total?

Mrs. Amrit Mangat: Say it again, Chair?

The Vice-Chair (Mr. Jagmeet Singh): Sorry, is there any debate or questions around schedule 1, section 11, as amended? Yes?

Ms. Lisa M. Thompson: Actually, I feel that on behalf of the PC Party of Ontario, we need to make sure that we have on record and completely clear that we believe policy statements are unnecessary and do not need to be added to this bill. They will simply create overlap, regulatory burden and duplication, which will lead to conflict at the end of the day.

We stand for reducing red tape and avoiding confusion. We just feel that thorough impact assessments and proper consultation are going to be out of sync with the manner in which this government is going to move forward with their policy statements. We think the new rules should be laid out in regulation.

The Vice-Chair (Mr. Jagmeet Singh): Fair enough. Thank you very much, Ms. Thompson. Any other debate on this section in its entirety? Okay. We are now in a position to vote on schedule 1, section 11, as amended. Shall schedule 1, section 11, as amended, carry? No? All those in favour? All those opposed? The section carries.

Now we are moving to section 24.3. This is in schedule 1, section 12. It's a PC motion. I recognize Ms. Thompson.

Ms. Lisa M. Thompson: This motion actually relates to PC motion 25.2, and therefore we would seek unanimous consent to stand down this motion until 25.2 has been voted on.

The Vice-Chair (Mr. Jagmeet Singh): Okay, there has been a request to stand down this motion to deal with another motion that's connected to it. Is everyone in agreement? Yes, I see nods of the heads. Okay, excellent, sure. We'll stand it down.

Ms. Lisa M. Thompson: Thank you. I appreciate that.

The Vice-Chair (Mr. Jagmeet Singh): Moving to PC motion 24.4. Ms. Thompson?

Ms. Lisa M. Thompson: This particular motion relates to PC motion 25.1, so again we seek unanimous consent to stand it down until 25.1 has been voted on.

The Vice-Chair (Mr. Jagmeet Singh): Sure. The request is to stand down this motion as well because it's connected to another motion. Is everyone in agreement? That's okay? Just give me a little bit of a—everyone's okay? Yes, sounds good. That's stood down.

Ms. Lisa M. Thompson: Thank you. I appreciate it.

The Vice-Chair (Mr. Jagmeet Singh): No problem. PC motion 24.5: also standing down? No? We're good to go? Mr. Coe.

Mr. Lorne Coe: I move that paragraph 2 of subsection 12(1) of schedule 1 to the bill be struck out.

I defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Okay, so we've been told by the government that policy statements are intended to be a soft regulatory tool that's limited in scope. However, this paragraph will require actions that take place under 16 different laws to follow the rules of policy statements. This part of the bill, the way we see it, is basically elevating policy statements above other laws and will create confusion amongst companies, stakeholders, organizations and anyone affected by this particular act.

We believe that any policy that will affect such a large amount of laws should be dealt with in regulations so it undergoes proper consultation and review.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate or discussion? Ms. Mangat.

Mrs. Amrit Mangat: The government will not support this motion as it limits the application of policy statements.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Ms. Thompson.

Ms. Lisa M. Thompson: I just find it curious that for this particular section or area of the bill, we didn't hear any differing views that this paragraph will require actions that take place under 16 different laws. I'm concerned that the government is willingly following through on policy that will affect such a large amount of laws. That really should be dealt with in regulations.

The Vice-Chair (Mr. Jagmeet Singh): No additional comments or debate? Okay, are we ready to vote on this motion? Yes. Shall the motion carry? All those in favour? All right. All those opposed? The motion is lost.

Moving now to PC motion 24.6: I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Again, I ask for the committee's indulgence and we ask for unanimous consent to stand down as this particular motion relates to our amendments on 67 to 70.

The Vice-Chair (Mr. Jagmeet Singh): The request is to stand down the motion. Is everyone in agreement? I'm seeing some nodding of the head. No one's opposed to it. Okay, this will be stood down. Thank you very much.

Next motion is government motion 25. I recognize Ms. Mangat.

Mrs. Amrit Mangat: Chair, I move that subsection 12(1) of schedule 1 to the bill be struck out and the following substituted:

"(1) Subject to section 13, the following persons and entities shall, when doing the following things, ensure the things are done in a manner that is consistent with all applicable policy statements:

"1. A person or entity when exercising a power or performing a duty under this part or part III, IV or V.

"2. A person or entity when exercising a power or performing a duty under an act mentioned in subsection (2) or a provision mentioned in subsection (3), if the exercise of the power or the performance of the duty relates to resource recovery or waste reduction.

"3. A person or entity retained to provide services in relation to another person's responsibilities under section 67, 68, 69 or 70 when performing those services.

"4. An owner or operator of a waste management system when engaging in waste management activities.

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"5. A prescribed person or entity when carrying out prescribed activities related to resource recovery or waste reduction."

The Vice-Chair (Mr. Jagmeet Singh): Would you like to provide an explanation?

Mrs. Amrit Mangat: The production of waste is one of the key outcomes of the proposed legislation that requires co-operation by all key actors, including service providers, so I will vote in favour of this.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Mr. Coe.

Mr. Lorne Coe: What appears to be happening here is that the government is softening the language. If you look at subsection 12(1) and the inclusion of words like "doing the following things" instead of "exercising powers" and "performing duties" and "carrying out activities," it's a legal cleanup of that particular part, and it is something that we'll support.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Chair, I can sum up my input in four words: I support the motion.

The Vice-Chair (Mr. Jagmeet Singh): I appreciate your input, always. Ms. Mangat.

Mrs. Amrit Mangat: I would like to clarify that, for consistency, this amendment clarifies that policy statements apply to persons and entities only when they are exercising a power or performing a duty.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments or debate? Are we ready to vote on this motion? Shall the motion carry? All those in favour? All those opposed? The motion carries.

PC motion 25.1: I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 12(2) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any explanation or discussion? Ms. Thompson.

Ms. Lisa M. Thompson: Again, this part of the bill is basically elevating policy statements over 16 different laws. We feel that this action will create confusion among all stakeholders who are going to be impacted by this act. We feel very strongly that policy statements should not rise above 16 different laws that are already on the books.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Mangat.

Mrs. Amrit Mangat: It limits the application of policy statements, so the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, shall we move to the vote? I'm seeing agreement. Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

Moving to motion 25.2: I recognize Mr. Coe.

Ms. Lisa M. Thompson: Is it 25.1?

Mr. John Fraser: Chair, we set aside two motions that were directly related to 25.1, or at least one—

Ms. Lisa M. Thompson: Yes, I have 25.1.

Mr. John Fraser: Motion 24.4—was that not dependent on motion 25.1?

Ms. Lisa M. Thompson: No, it relates to it.

Mr. John Fraser: So we put it aside. I have motion 24.4. Two of the motions that we put aside—24.3 related to 25.2, and 24.4 related to 25.1. Or do I have that written down wrong?

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Just to go back and revisit: Motion 24.4 relates to motion 25.1, so we asked for unanimous consent to stand down until 25.1 has been voted on.

Mr. John Fraser: We just voted on it.

Ms. Lisa M. Thompson: So then we go with 25.1, not 25.2. You had mentioned 25.2.

The Vice-Chair (Mr. Jagmeet Singh): We just dealt with 25.1—

Mr. John Fraser: We voted on the motion that this depends on. We had unanimous consent to put this aside until 25.1. We've done that vote. What are we doing with this? What are you doing with 24.4?

The Vice-Chair (Mr. Jagmeet Singh): I'll jump in and clarify. There is 25.1, which we just voted on; it was defeated. So 25.1 is related to 24.4, and now we stood that down because they are connected. Now that 25.1 has been lost, we're in a position to deal with 24.4.

We can go ahead and deal with it now. Because they're connected, I have a feeling—

Ms. Lisa M. Thompson: Yes, we're going to withdraw it.

Mr. John Fraser: That's what I thought you were going to do.

Ms. Lisa M. Thompson: I thought that he had said 25.2 originally; that's why.

The Vice-Chair (Mr. Jagmeet Singh): No. Okay, perfect. That's withdrawn. Thank you for that.

Now we are going to move to 25.2. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 12(3) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate? Mr. Coe or Ms. Thompson?

Ms. Lisa M. Thompson: Sure. With regard to this, again, we feel very strongly that we have proper consultation and review. We're very concerned that the manner in which this particular bill has been written would require actions that take place under 16 different laws and follow the rules of a policy statement.

This particular bill is basically elevating policy statements over existing laws. We have a tremendous issue with that and we're just demonstrating that through our motions.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Could I pose a question to the legislative counsel?

The Vice-Chair (Mr. Jagmeet Singh): Yes, absolutely.

Mr. Percy Hatfield: Other than in baseball, where we know what "struck out" is, is "out" redundant if we say "struck" as opposed to "struck out"?

The Vice-Chair (Mr. Jagmeet Singh): Counsel?

Ms. Pauline Rosenbaum: Mr. Hatfield, I believe it's just the practice that has developed over decades in Ontario for how to draft motions in this way.

Mr. Percy Hatfield: So "struck out" is legitimate and not redundant?

Ms. Pauline Rosenbaum: Not according to the practice of the committees over the years.

Mr. Percy Hatfield: Thank you, Chair.

The Vice-Chair (Mr. Jagmeet Singh): No problem. Thank you, Mr. Hatfield. Thank you, counsel.

Back to motion 25.2: Any other debate or discussion around it? Ms. Mangat.

Mrs. Amrit Mangat: This motion removes prescribed provisions under several municipal acts that are required to be consistent with the policy statements, because municipalities play an important role in resource recovery and waste reduction. This limits the application of the policy statements. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any other discussion or debate? Seeing no further discussion, we're ready to vote on this motion. Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

Just a moment's indulgence.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Okay, excellent. Now that 25.2 has been dealt with, we can move back to 24.3. We go back to Ms. Thompson.

Ms. Lisa M. Thompson: Because 25.2 was defeated, we'll withdraw motion 24.3.

The Vice-Chair (Mr. Jagmeet Singh): Okay, thank you very much.

Now we're moving to motion 25.3. It's a PC motion. I recognize Ms. Thompson.

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Ms. Lisa M. Thompson: Because 2.1 has not passed, we're going to withdraw this motion as well.

The Vice-Chair (Mr. Jagmeet Singh): Okay. The motion is withdrawn.

That completes all of the motions for schedule 1, section 12.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): There's one motion left that we stood down, which is 24.6. That is going to be stood down for a while longer. So we are not going to be able to deal with that—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Because that's going to be down the road.

Ms. Lisa M. Thompson: Sixty-seven to 70.

The Vice-Chair (Mr. Jagmeet Singh): Right. So we'll just hold onto that and move on to the next motion, motion 25.4, which deals with schedule 1, section 13. It's a PC motion. I recognize Ms. Thompson or Mr. Coe—whoever.

Ms. Lisa M. Thompson: Go ahead.

Mr. Lorne Coe: I move that subsection 13(2) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any discussion or debate? Ms. Mangat.

Ms. Lisa M. Thompson: Well—

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson. The convention is, if it's your motion, I think it makes sense to explain it.

Ms. Lisa M. Thompson: Thank you very much. I appreciate that.

The fact of the matter is, this is just legal cleanup. That's our position on this.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Chair, it's very important that we take into account geographic differences and local circumstances across the province. So, keeping that in mind, we will not support.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate or discussion? Seeing none, are we in a position to vote on this motion? Yes. Shall motion 25.4 carry? All those in favour? All those opposed? The motion is defeated.

We now move to a vote on schedule 1, section 13. Before we go to this vote, is there any debate on schedule 1, section 13, in its totality? Yes, Ms. Mangat.

Mrs. Amrit Mangat: Chair, we do not support the PCs' voting recommendation. The government votes to carry this section.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Any further debate regarding schedule 1, section 13? No, I do not see any further debate. We're now in a position to vote on schedule 1, section 13. Shall schedule 1, section 13, carry?

Mrs. Amrit Mangat: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Do I hear a no? I do not hear a no. So schedule 1, section 13, carries.

Now we are moving on to schedule 1, section 14. The first motion is PC motion 25.5. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 14(1) of schedule 1 to the bill be struck out and the following substituted:

"Official plans

"(1) A council of a municipality or a municipal planning authority shall have regard for the resource recovery and waste reduction policy statements that apply to the municipality or the authority when making or amending its official plan."

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson for further explanation.

Ms. Lisa M. Thompson: After years and years of good work protecting our environment, municipalities don't need the province dictating yet again how to write

their bylaws and policy statements. It's such a nanny state that you're creating in this regard.

Local governments are already leading in environmental protection and waste management. I could go on and on about the amazing efforts that our lower tiers are doing within the riding of Huron-Bruce alone. And I'm sure my colleagues here on the opposition side of the committee table would echo the opportunity and appreciate talking about the good work their respective local governments are doing.

We can't stress enough that municipalities already have enough burden dealing with the provincial policy statement and the Planning Act. Requiring every municipality to amend its official plan every time the province develops a new policy statement is ludicrous, plain and simple.

This government should not be tying the hands of our local politicians. We feel that because of this, if we're standing up for our local governments and encouraging a good rapport with our local municipalities, everyone in this room should be voting in support of this particular motion.

The Vice-Chair (Mr. Jagmeet Singh): Anyone else? Ms. Mangat.

Mrs. Amrit Mangat: Municipal official plans are important instruments to support the implementation of the applicable policy statements, and it is important to ensure their consistency with these policy statements, so we will not be voting in favour of that.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Coe?

Mr. Lorne Coe: I know that my colleague from the third party has served on a council before coming to Queen's Park, as I did for 13 years. I chaired the planning and development committee of the town of Whitby.

Requiring each municipality to amend its official plan every time the province develops a policy statement under this proposed act just adds more red tape. It just adds a burden on municipal officials that just isn't warranted. It just isn't warranted.

I know my colleague from the third party will speak to this as well because of his vast experience. But I can tell you, from my involvement as the chair of the planning and development department of the town of Whitby for the period I was—for 13 years—this would be a significant burden on municipalities' staff in the planning and development departments, and on the planning and development committees within councils across municipalities.

The Vice-Chair (Mr. Jagmeet Singh): Moving to Mr. Hatfield.

Mr. Percy Hatfield: I wasn't planning on speaking to this, but I will. I wouldn't say I have vast municipal experience; I was only there for seven years, but I did sit on the planning advisory committee for those seven years. I sat on the city/county municipal waste committee, as well as the conservation authority and—I won't go into all the committees I sat on.

But what I learned on the planning committee was that it's important to always update your official plan,

because if you don't, decisions are made and then a developer or somebody comes in and says, "Well, you know, you're in contravention of the official policy statement on that." That leads to litigation. That leads to this, and that leads to that.

I don't see it as over-burdensome to keep up on the provincial policy statements. I believe that municipalities should be doing that to make sure that any municipal bylaws that are adopted are in full and complete compliance with provincial policy statements.

Having said that, that brings me to the Ontario Municipal Board, which overrules provincial policy statements, municipal plans and official plans and does whatever it wants to do. But I'm going down a different line on that one; I'll just leave it at that. It's always important to update your official plan and keep it in compliance with provincial policy statements, despite what the OMB may do to them.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat, then Mr. Fraser.

Mrs. Amrit Mangat: Chair, what I understand is that this motion weakens the application of policy statements, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser.

Mr. John Fraser: It's clear that the member opposite does not support policy statements. Effectively, this motion is to weaken the effect of policy statements by describing them as "having regard to," so I can't support it. I can understand that it's consistent with the motions that they've put forward, but I can't support the motion because it does weaken the legislation, as Mr. Hatfield has said as well.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: I just feel it's important to recognize that through consulting with a number of our stakeholders, concerns were raised about policy statements. We heard it time and again through our deputations as well.

For goodness' sake, we do not need more red tape and bureaucracy in this province. The pressures and the burden on the shoulders of stakeholders, as well as municipalities, have gone through the roof over the last decade, and we should be moving towards helping municipalities stickhandle through their responsibilities as opposed to making it tougher.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate or discussion? Seeing none—

Mr. John Fraser: I'm not sure that it makes it tougher. I just think it makes things very clear as to who's doing—Mr. Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Mr. John Fraser: I just want to respond. I'm not sure that it makes things tougher. I just believe that it makes things very clear as to what the expectations are for all the parties.

1710

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Chair, I feel very strongly that it is an extra burden if the municipality has to amend its official plan every time the province, the government of Ontario, develops a new policy statement. They really need to be thinking through what they're asking our lower tiers to be doing.

The Vice-Chair (Mr. Jagmeet Singh): We'll go to Mr. Hatfield and then come back to—

Mr. Percy Hatfield: Thank you. Just to pick up on something that was just said: "Every time the province adopts a new policy statement"—it's not like it happens every week. For the sake of argument, I would argue that they're few and far between in the greater scheme of things. I'll just leave it at that. It's not like it's something that is routinely imposed on a municipal council.

Mr. John Fraser: I agree with Mr. Hatfield.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The motion changes the requirement on policy statements to municipalities from ensuring consistency to "have regard to" when developing or amending official plans.

The Vice-Chair (Mr. Jagmeet Singh): Any additional—Ms. Thompson?

Ms. Lisa M. Thompson: I'm sure my colleague will have a comment to wrap up, but the government is looking to use policy statements as a vehicle to impose their will on our lower-tier governments. Again, we will never stand in support of additional bureaucracy and/or additional red tape. From our stakeholders, we understand that there is concern that there could be multiple policy statements that come out of this particular initiative and it's enough to cause worry. Over to my colleague.

Mr. Lorne Coe: My colleague from the third party will know the Planning Act—that municipalities are required to update their official plans on a five-year cycle. That's what they're intended to do on a five-year cycle.

What this does, in effect, is add another layer of bureaucracy and red tape and expectations on municipalities that are not there at the present time. That lies where the issue is. It's just requiring more work on the part of the staff in municipalities, the 444 municipalities overall. We already have a prescribed time limit for when you update your official plans in municipalities. This is another layer, again, of red tape. We want to put in place conditions for municipalities to succeed. Not everyone here wants to do that.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Coe, thank you for your passion. Any additional comments or questions?

Mrs. Amrit Mangat: It's not about adding another layer of bureaucracy or red tape. It is about the seamless and efficient transitioning of the existing programs to a producer responsibility model.

Mr. Lorne Coe: Well, we'll agree to disagree. I can go through the layers that exist, whether it's the provincial policy planning statement, whether it's the other aspects of the Long-Term Affordable Housing

Strategy—I could go on and on about the layers within municipalities that they have to deal with right now. This is just another layer on top of that, believe me. Talk to AMO. They're right there in the audience.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, are we in a position to vote on this motion? Yes. Shall motion 25.5 carry? All those in favour? All those opposed? The motion is defeated.

Motion 25.6: I recognize Ms. Thompson.

Ms. Lisa M. Thompson: I move that subsection 14(2) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any comments or concerns?

Ms. Lisa M. Thompson: Again, just straightforward: Municipalities already have enough red tape to deal with from this particular government. Local governments already are leading with regard to environmental protection and management. In recognition of their good work, we are just trying to reduce their regulatory burden.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion as it removes requirements for municipalities. Official plans, we think, are very important implementation tools. They need to be amended in order to be consistent with the policy statements. We will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Fraser?

Mr. John Fraser: I would just like to remind Ms. Thompson of the \$3 billion we uploaded from the download from her previous government.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Well, let's not even start talking about the decrease in OMPF funding that we hear concern about day in and day out.

The Vice-Chair (Mr. Jagmeet Singh): The zings are flying back and forth. Any further comments? Mr. Hatfield, do you want to weigh in?

Mr. Percy Hatfield: No, Chair. I would enjoy it but I see no benefit to it.

The Vice-Chair (Mr. Jagmeet Singh): I'm probably not doing the right thing by egging this on.

Are we in a position to vote on this motion 25.6? Yes? Shall the motion carry? All those in favour? All those opposed? The motion is defeated.

We now move to PC motion 25.7. Mr. Coe.

Mr. Lorne Coe: I move that subsection 14(3) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Coe.

Mr. Lorne Coe: I always had the expectation, when I was a regional councillor, that the province should be working with local decision-makers. Reasonable expectation, isn't it? Hasn't happened here; hasn't happened at all. Rather than dictating, engage. The best outcomes that we have here in the Legislature are when we engage in a robust way and we speak specifically to local decision-makers on the front line and ask municipalities. They make our province work. That's one of the bases for the

amendment here, and I'm sure my colleague will augment that.

Ms. Lisa M. Thompson: Certainly. Again, just to revisit—and for those of you who are tuning in on the TV or reading this in Hansard, it's important to realize that subsection 14(3) requires municipalities to update their zoning bylaws every time the province amends one of its policy statements. This is a huge concern for us. We should be freeing up folks who come forward at lower tiers within our local municipalities to do the job that they wanted to do, as opposed to tying their hands with additional red tape.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments? Ms. Mangat.

Mrs. Amrit Mangat: Thank you, Chair. This motion is related a series of motions aimed at restricting the implementation of the bill, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Coe.

Mr. Lorne Coe: Chair, if you could just move your mike a little bit closer? I'm having difficulty hearing you.

The Vice-Chair (Mr. Jagmeet Singh): Sure. Thank you, Mr. Coe.

Interjection.

Mr. Lorne Coe: That's okay. I just couldn't hear you very well. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): That's okay; that's fine. Thank you for that, Mr. Coe. We think it's important to make sure everyone can hear what's going on, so that's fair.

Any other comments or concerns to raise? Okay, are we in a position to vote on this motion? Shall motion 25.7 carry? All those in favour? All those opposed? The motion is defeated.

We now have PC motion 25.8. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 14(4) of schedule 1 to the bill be struck out and the following substituted:

"Bylaw under listed acts

"(4) If a bylaw that is in effect under an act mentioned in subsection 12(2) or a provision of an act prescribed under paragraph 6 of subsection 12(3) relates to resource recovery or waste reduction, the person or entity that made the bylaw shall have regard for the policy statements that apply to the person or entity."

The Vice-Chair (Mr. Jagmeet Singh): Any comments or—Ms. Thompson.

Ms. Lisa M. Thompson: Again, we stand on our previous comments with regard to a rationale as to why we brought forward this motion. We want to do everything we can to support our municipalities, as opposed to continuing the buildup of burden that this government seems intent on doing.

The Vice-Chair (Mr. Jagmeet Singh): Mrs. Mangat?

Mrs. Amrit Mangat: This motion weakens the application of policy statements with regard to bylaws, so we will not favour this recommendation.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments or questions? Mr. Coe.

1720

Mr. Lorne Coe: Well, what's clear in the discussion of this particular amendment is that municipalities in this province have really strong records of protecting our environment. Municipalities don't need the province dictating how to write their bylaws; within the context of policy statements, they surely don't. We heard that during delegations. I've heard it, and I'm sure there are other members of provincial Parliament who have heard it overall.

Those are my comments on this right now.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: Chair, yes, we have all heard, but it's very important to understand that bylaws are important instruments to support the implementation of the applicable policy statements. It's very important to ensure that consistency with these policy statements. That's what I have heard.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate, questions or comments? Seeing none, shall we move to the vote on this motion? Seeing no disagreement, shall motion 25.8 carry? All those in favour? All those opposed? The motion is defeated.

We now move to motion 25.9. I recognize Ms. Thompson.

Ms. Lisa M. Thompson: We're withdrawing this motion.

The Vice-Chair (Mr. Jagmeet Singh): Motion marked withdrawn.

Moving now to motion 25.10.

Ms. Lisa M. Thompson: We're withdrawing this particular motion.

The Vice-Chair (Mr. Jagmeet Singh): Also withdrawn at the request of the official opposition.

Moving now to 25.11: Mr. Coe?

Mr. Lorne Coe: I move that subsection 14(4) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any further discussion or debate? Ms. Thompson?

Ms. Lisa M. Thompson: Well, the fact of the matter is that this motion simply strikes out subsection 14(4), which is the requirement to ensure bylaws are consistent with policy statements. Again, it's just creating more red tape. That's our concern.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: As I have said earlier, and I'm going to reiterate: It weakens the application of policy statements with regard to bylaws, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Mr. Hatfield.

Mr. Percy Hatfield: Only in the sense that when you're running a municipality and you're doing planning and you have developers come in, you want for them to understand what's going on in your official plan and you want the municipality to know exactly what's being proposed. But if you have contradictions in the official plan and the provincial policy statement, you're going to run into confusion, you're going to run into a possibly

protracted legal debate—which costs the taxpayers money—to defend your official plan or to be proven that it's out of context with the provincial policy statement.

I think you have to do whatever you can as legislators or as municipal planners and as municipal councils to integrate provincial policy statements with official plans. You can't have them being in contradiction and you can't have them up for debate, up for question, because it's just going to end up costing the taxpayer more money. Believe it or not, there is only one taxpayer. We have to do what we can to coordinate any action through legislation and through the Planning Act so that we're all on the same page. I think the purpose of this motion is to weaken the system that is there and what has been proposed.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or questions? Seeing none, are we in a position to vote? Yes. Shall motion 25.11 carry? All those in favour? All those opposed? The motion is defeated.

We now move to PC motion 25.12. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 14(5) of schedule 1 to the bill be struck out and the following substituted:

“Prescribed instruments

“(5) If an instrument prescribed in the regulations, other than an instrument mentioned in subsection (1), (3) or (4), relates to resource recovery or waste reduction, the person or entity that made the prescribed instrument shall have regard for the policy statements that apply to the person or entity.”

The Vice-Chair (Mr. Jagmeet Singh): Any explanation?

Mr. Lorne Coe: To my colleague.

Ms. Lisa M. Thompson: Again, it's all about reducing red tape. It's in the spirit of letting municipalities be dextrous and do what they do best. They're already leading by example in many different ways in terms of their environmental initiatives, and we feel government should stay out of their way.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: This motion is related to a number of PC motions that restrict the implementation of the provincial interest and policy statements, so the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments, debate or questions? No. Shall we move to the vote? Yes. Shall motion 25.12 carry? All those in favour? All those opposed? The motion is defeated.

Moving to PC motion 25.13, I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 14(6) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any debate? Ms. Thompson.

Ms. Lisa M. Thompson: This is again recognizing the excessive regulatory burden associated with what's coming through in this bill with regard to tying municipalities' hands. We believe that the province should be

working with our local government decision-makers, not setting deadlines or dictating what they should do at the stroke of a pen. Again, this is all in the spirit of reducing red tape.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Chair, this motion removes timing requirements to amend prescribed instruments to be consistent with policy statements, so we will not be supporting this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Seeing none, are we in a position to vote? Yes. Shall motion 25.13 carry? All those in favour? All those opposed? The motion is defeated.

The last motion for this section is PC motion 25.14. I recognize Mr. Coe.

Mr. Lorne Coe: On the motion, Chair, I move that subsection 14(7) of schedule 1 to the bill be struck out.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? Ms. Thompson.

Ms. Lisa M. Thompson: Sure. Essentially, the manner in which subsection 14(7) is written would allow the minister to compel municipalities to update their bylaws or official plans to bring them in line with policy statements.

It's interesting; we hear time and again how, throughout this province, municipalities have stood tall absolutely in their defiance of losing their autonomy with regard to the Green Energy Act. We feel strongly that we don't need to be giving the minister veto powers over local decision-making in this regard. We should be putting more faith in the hands of our local decision-makers, but again, here we have a government—they stripped autonomy away from municipalities with regard to the Green Energy Act, and now this particular bill will give the minister veto.

We just feel that we should be having more faith and allowing our local decision-makers an opportunity to do the job they thought they were elected to do in terms of representing their local boards and their municipalities.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Chair, it's very important that ministers should have the tools to support the implementation of policy statements, so the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: I agree with what the member from Huron-Bruce just said about the Green Energy Act. I would like to think it's an aberration of the overriding of municipal jurisdiction by the provincial government as opposed to something that happens on a regular basis.

I don't see what is proposed here as comparable to the Green Energy Act legislation. I think what we have here is, again, a coordination between official plans and policy statements.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Actually, at this stage of the game, late in the afternoon, I'm going to have to respectfully ask the member from the third party to agree

to disagree on this particular issue. We do not believe that people—in my riding of Huron-Bruce and across the greater province of Ontario, I hear time and again that people are tired of folks in Toronto dictating what happens in rural Ontario. I'm not trying to perpetuate the rural-urban issue, but we should be working with our municipalities and letting our local decision-makers do what they've been elected to do because they know best, as opposed to being imposed with a cookie-cutter approach that could potentially tie their hands.

1730

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we in a position to vote on this motion? Yes. Shall motion 25.14 carry? All those in favour? All those opposed? The motion is defeated.

We are now in a position to deal with schedule 1, section 14. Before we deal with the vote, are there any comments with respect to schedule 1, section 14? Ms. Thompson?

Ms. Lisa M. Thompson: Again, you've heard us loud and clear. We do not feel that the government should be tying the hands of municipal officials with policy statements. We heard through deputations, and we heard through meetings with our stakeholders, that they have concerns about these policy statements, and our motions reflect how we've been trying to stand up for the stakeholders that we listened to.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate on section 14, schedule 1? We're now in a position to vote on schedule 1, section 14. Shall schedule 1, section 14, carry?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): I don't hear any—no? Yes? There being a no, shall schedule 1, section 14, carry? All those in favour of it carrying? All those opposed? The section carries.

We are now moving to schedule 1, section 15, and PC motion 25.15. I recognize Mr. Coe.

Mr. Lorne Coe: I move that paragraph 1 of subsection 15(1) of schedule 1 to the bill be struck out and the following substituted:

"1. The policy statement or provision that respects local decision-making and provides the greatest protection to the natural environment and human health governs, to the extent of the conflict."

The context of this motion would require the provincial government to consider respect for local decision-making when resolving a conflict between a policy statement and any other provision of the law.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Mangat.

Mrs. Amrit Mangat: The current conflict provisions provide the greatest protection to the natural environment and human health, so we will not be supporting this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we in a position to vote on this motion? Yes. Shall motion 25.15 carry? All those in favour? All those opposed? The motion is defeated.

We're now moving to motion 25.16. I recognize Ms. Thompson.

Ms. Lisa M. Thompson: I move that paragraph 2 of subsection 15(1) of schedule 1 to the bill be amended by striking out "provide equal protection to the natural environment and human health" and substituting "provide equal respect for local decision-making and equal protection to the natural environment and human health".

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments?

Ms. Lisa M. Thompson: Again, this is just a motion that supports local decision-making, which we feel the provincial government should have respect for. Local decision-making should be a factor in determining what policy governs, and we shouldn't be ignoring our local municipal tiers.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Chair, as I said earlier, the current conflict provisions provide the greatest protection to the natural environment and human health, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate or comments? Seeing none, are we in a position to vote on motion 25.16? Okay. Shall motion 25.16 carry? All those in favour? All those opposed? The motion is lost.

Motion 25.17 is a PC motion. Ms. Thompson.

Ms. Lisa M. Thompson: I move that paragraph 2 of subsection 15(1) of schedule 1 to the bill be amended by striking out "the policy that best promotes the provincial interest described in section 2 governs" and substituting "the policy that best protects local decision-making governs".

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Thompson.

Ms. Lisa M. Thompson: Well, again, this motion essentially would require that all policy conflicts be resolved by ensuring that we best protect the local decision-makers. We just ask for the government to respect that.

Interjection.

Ms. Lisa M. Thompson: I didn't mean to choke you up on that.

The Vice-Chair (Mr. Jagmeet Singh): Apologies.

Ms. Lisa M. Thompson: I'll just close off by saying that local decision-making should be deciding factor in determining what policy governs.

The Vice-Chair (Mr. Jagmeet Singh): Please don't take that as a reflection on you. I just swallowed the wrong way.

Any additional comments or questions? Ms. Mangat.

Mrs. Amrit Mangat: I don't agree with my colleague, because local circumstances have been considered in other parts of the proposed legislation, including considering a geographic-based approach for policy statement development and regulation-making. We will not be supporting this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate? Are we ready to vote on this

motion? Okay. Shall motion 25.17 carry? All those in favour? All those opposed? The motion is lost.

Moving now to government motion 26: I recognize Ms. Mangat.

Mrs. Amrit Mangat: I move that the French version of paragraphs 1 and 2 of subsection 15(1) of schedule 1 to the bill be amended by striking out "I emporte" wherever it appears and substituting "I emporte, dans la mesure de l'incompatibilité" in each case.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat, would you like to provide an explanation?

Mrs. Amrit Mangat: Yes. The provision is for consistency between the English and French version of the legislation. This motion is very important, so I support the motion.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield.

Mr. Percy Hatfield: Just for clarification, I'm not sure that it's "I" as opposed to "l'" for "l'".

Mrs. Amrit Mangat: Yes, "l'emporte".

The Vice-Chair (Mr. Jagmeet Singh): That's fair. That's noted.

Ms. Thompson.

Ms. Lisa M. Thompson: Again, we support any motion that fixes or corrects the legislation as it stands.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? Are we in a position to vote on this motion? Shall government motion 26 carry? All those in favour? All those opposed? The motion awkwardly carries.

The next motion is PC motion 26.1. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 15(3) of schedule 1 to the bill be amended by adding "while ensuring that any guidelines respect local decision-making" at the end.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments or debate? Mr. Coe.

Mr. Lorne Coe: The amendment would require the minister to ensure that any guidelines that flow out of what we're discussing here today respect the local decision-making process that's well ingrained and that members know works so well. Under subsection 15(3), the minister can establish guidelines to clarify the relationship between policy statements and policy plans.

So here's an opportunity, isn't there? Here's an opportunity. Hands up.

Ms. Lisa M. Thompson: Baby, hands up.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Mr. Coe, and a special thanks to Ms. Thompson for the song rendition.

Laughter.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Chair, local circumstances have been considered in other parts of the proposed legislation, including considering a geographic-based approach for policy statement development and regulation-making. I think it's unnecessary. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate or comments? Seeing no additional hands being raised—Ms. Thompson.

1740

Ms. Lisa M. Thompson: I just want to echo and reflect upon the fact that my colleague from Whitby–Oshawa lived, ate and breathed this, and my colleague in the third party did as well. I grew up with a municipal office in my home till I was a teenager. I know how much effort goes into local decision-making.

People who are elected to represent our local municipalities probably have the toughest job out of all three levels of government. I think there's probably agreement with that. They're closest to their constituents. I think we should be able to support them, as opposed to burdening them, and we should, at the provincial level, have respect for local decision-making. We should be doing that, as opposed to just adding to red tape.

I really appreciate the perspectives that both the member from Whitby–Oshawa and the member from Windsor—

Mr. Percy Hatfield: Tecumseh.

Ms. Lisa M. Thompson: —Tecumseh have brought to the table in that regard. We may not always agree, and we end up agreeing to disagree, but at the end of the day this is about respecting the people who throw their hat into the local municipal ring and not only sit at their local municipal level but, as was drawn to our attention earlier, on conservation authorities and source water protection organizations—the list goes on and on. We should be supporting our local level as opposed to burdening them.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I agree that municipal politicians are, in my opinion, the hardest-working of the three orders of government. They are closest to the ground with the people who elect them; they run into them every day as opposed to those of us who travel to Toronto or Ottawa and spend three or four days a week—or five or six days a week, sometimes—out of town.

Having said that, and having great respect for our municipal politicians, I do not believe that what is proposed in any way detracts from their ability to make their own decisions. I think they make decisions based on what's best for their municipalities, based on the rules and regulations they have before them that they have to comply with. What's proposed in this amendment I don't believe impacts them in a negative way. I will not be supporting the motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: Chair, I would like to add that I also do have a great respect for our municipal partners. Those provisions are already there in the current proposed legislation, so I will not support this.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we ready to vote? Seeing yes, shall motion 26.1 carry? All those in favour? All those opposed? The motion is defeated.

Now we're in a position to deal with schedule 1, section 15, as amended. Before we get to the vote, is there any debate on schedule 1, section 15? Ms. Thompson?

Ms. Lisa M. Thompson: Again, this is an opportunity for us representing the PC Party of Ontario and the loyal opposition to stand up on behalf of our constituents and let people know that we need to be reducing red tape and bureaucracy. We believe strongly—and I can't stress it enough—that new rules should be laid out in regulation. Then everybody can undergo and trust the thorough impact assessments that regulations would have, the proper consultation that follows with regulation.

We, again, would like to respectfully remind everybody with regard to what we heard during deputations and what you possibly heard—I know we heard it—through our stakeholder consultations: that policy statements are essentially an unnecessary addition that will cause burden. That's why we're doing the job that we're doing today.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: Yes, I'm not a member of the official loyal opposition, but I am a member of the progressive opposition. Being a progressive-minded kind of guy, I don't see anything in this section that restricts the ability of municipalities to make their own decisions based on what's in front of them. Because of that, I will be voting opposed—I will be supporting the—

Ms. Lisa M. Thompson: I liked your first one.

Mr. Percy Hatfield: I will be supporting the motion to support this section, as opposed to the motion to reject the section.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat? No comments?

Mrs. Amrit Mangat: No comments.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Now we've heard debate on this section. We're now in a position to vote on it. Shall schedule 1, section 15, as amended, carry? I heard a no. All those in favour? All those opposed? The section carries.

We are now in a position to deal with schedule 1, section 16. Our first motion is a PC motion, 26.2. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 16(1) of schedule 1 to the bill be amended by striking out “as the minister considers necessary for the purposes of section 17” at the end and substituting “who specialize in regulatory compliance for the waste management sector”.

The Vice-Chair (Mr. Jagmeet Singh): An explanation or comments? Ms. Thompson.

Ms. Lisa M. Thompson: Believe it or not, once upon a time I was an Ontario civil servant. I know first-hand—

The Vice-Chair (Mr. Jagmeet Singh): Really? Oh.

Ms. Lisa M. Thompson: Yes, I was. I worked for the Ministry of Agriculture, Food and Rural Affairs in the GTA. My first office was in Brampton—or in Peel region, I would be more correct in saying.

The Vice-Chair (Mr. Jagmeet Singh): Yes.

Ms. Lisa M. Thompson: I just want to share with you that Ontario has very good civil servants who can manage compliance very well. They have enforcement officers already in place with regard to compliance, and we know that civil servants are very adept. Again, they're

close to their constituents and they have their feet on the street, so to speak.

Given that past behaviour is somewhat indicative of future behaviour, we're somewhat concerned, on this side of the House, that we can't rely on the minister to select the right people to do the job. We want a balance to it.

This particular amendment would ensure that only civil servants who specialize in waste management—in waste management compliance, to be exact—would be able to serve as a director.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: I am so pleased to hear the official opposition speak highly of the Ontario civil service.

Ms. Lisa M. Thompson: I said that there are good people there.

Mr. Percy Hatfield: I just wish we had heard those comments before Mr. Hudak made his comments in the last election about eliminating so many of them. I do agree that they are hard-working and they are dedicated. I'm pleased that you were once a member of them. I hope you'll always stand up and support them as we go forward.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: Why the minister would be appointing a director: because they will be knowledgeable, they will have skills and they will have training related to the task. This motion creates unnecessary duplication, so we will not be supporting this.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Just to clarify as well: We support good ideas, and civil servants stand by good ideas. They're not about red tape.

I just want to give a shout-out, because it is part of this conversation. There have been amazing programs facilitated by civil servants—the environmental farm plan, and nutrient management plans—and it all pertains to where we're going in terms of protecting our environment. But unfortunately, that type of facilitation and that type of programming, traditionally facilitated by the field staff of the civil service, has gone by the wayside. So the manner in which I knew the traditional form of extension has completely changed. I just want people to know that.

The true definition of "extension" was shared with me by an agricultural representative. His name was Carm Hamilton, from Lindsay, Ontario. He said that you know you've done your job as an extension worker, as an agent of change, when the people you work with no longer need you because you've empowered them to go forward.

That's the manner in which I embraced my opportunity to be a civil servant, and it's in that spirit that we need to be mindful of not burdening folks in 2016 with additional red tape.

The Vice-Chair (Mr. Jagmeet Singh): I'll recognize Mr. Fraser.

Mr. John Fraser: If there are any civil servants in the room, I suggest you run out and get a copy of instant Hansard and share it with your colleagues.

1750

Ms. Lisa M. Thompson: Yes. I was a proud extension worker.

Mr. John Fraser: I agree. But I don't think that's germane to what we're discussing here. I won't be able to support this motion, but I really do appreciate your respect and admiration for public servants.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Hatfield, and then back to Ms. Thompson.

Mr. Percy Hatfield: Last weekend, I took part in the 25th anniversary of the Little River Enhancement Group, which is a group that was formed 25 years ago to clean up the Little River in my riding. They've planted thousands and thousands of trees ever since, as well as cleaned up the environment.

One of the founding members is a former employee of the Ministry of the Environment. He was telling me—believe it or not—how grateful he was when he was laid off by Mike Harris, when Mike Harris was the Premier of Ontario and laid off a lot—I won't get into the numbers—a lot of civil servants who had specialties and expertise in the environment and other areas. Those people aren't there anymore. The inspectors and the regulators were laid off under a previous administration. So when I hear Ms. Thompson from Huron–Bruce talk about the importance of having specialized persons in these fields, I hearken back to previous decisions made by former leaders of her party and I say that what goes around comes around, I guess, in many ways, but I'm glad we all three parties recognize the importance and the abilities of Ontario's civil servants.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Yes, and I'm going to date myself. Anybody who is quick in math, I'm outing my age a little bit, but I do recall Rae Days as well. Every government has had an opportunity to dabble with the manner in which extension—my traditional definition of extension was affected. I would like to share with you as well, in that same light, that the OMAFRA offices that used to be very well used are nothing but shelves now under this particular government.

It's important to recognize that traditional extension work has been whittled away. That's a fact that we're facing in the riding of Huron–Bruce at this time. Bruce county doesn't even have an OMAFRA office. They have a ServiceOntario office in Bruce county, but the traditional OMAFRA office in Clinton has many people concerned.

We can't let the fun that we've had in this discussion take away from the motion at hand, and that is making sure that our constituents are well represented and that we do right by this bill and not burden people with red tape.

The Vice-Chair (Mr. Jagmeet Singh): Anything further? Mr. Fraser?

Mr. John Fraser: I think that we have to get on with this, but I would like to say that I'm really happy that

there are 100,000 of them that are still around that we can respect here in Ontario.

Ms. Lisa M. Thompson: Oh, okay. We could go on forever here. I'm going to let that one go. For the record, I'm letting that one go. Nurses?

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for that, Ms. Thompson. Anyone else want to take any shots?

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Sounds good. Let's get to the vote on this one and then we'll wrap it up because we only have a couple of minutes left. So, 26.2: Shall this motion carry? All those in favour? All those opposed? The motion is defeated.

Now we can deal with this last section perhaps before we wrap up for today. We're in a position to deal with schedule 1, section 16. Before we do that, any comments or debate with respect to schedule 1, section 16? Ms. Thompson?

Ms. Lisa M. Thompson: Yes. We stand with regard to the rationale we've presented earlier. We're going to have to move against this.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate or discussion? Okay, we're now in a position to vote. Shall schedule 1, section 16 carry? All those in favour of schedule 1, section 16? All those opposed? This section carries.

We have five minutes. Do you guys want to go five more minutes?

Interjections.

Mr. Percy Hatfield: I wanted to say, "The Liberals don't want to work."

The Vice-Chair (Mr. Jagmeet Singh): All right, we're on 26.3. We're dealing with schedule 1, section 17. This is a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 17(1) of schedule 1 to the bill be amended by striking out "all applicable policy statements" at the end and substituting "this act and regulations."

Again, the premise here is that, if the government wants to set the rules, which obviously they do, they should do so in regulation—is our view. That way, they'll undergo consultation and review. On one hand, you talk about all the consultation that's taking place; you have the opportunity again for that consultation—and review. You know that the consultation and review, in terms of other directions you've taken, have improved the process. You have another opportunity to strengthen the process and engage those who are your constituents.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield?

Mr. Percy Hatfield: Just to show that I was listening, Chair, what is written is "this act and the regulations," and what was said was "this act and regulations." I don't know if it makes a difference to the legislative counsel or the Clerk. I'll just point that out as a point of information.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Hatfield, would you like to direct the question to counsel, and then counsel can provide an answer?

Mr. Percy Hatfield: Does that make a difference?

The Vice-Chair (Mr. Jagmeet Singh): Counsel?

Ms. Pauline Rosenbaum: It's fine. It's fine in this motion. Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Counsel's answer: It's fine on this motion.

Any other debate? Ms. Mangat.

Mrs. Amrit Mangat: This motion is related to a series of motions aiming at restricting the implementation of policy statements under the current proposed legislation, so we will not be supporting this.

The Vice-Chair (Mr. Jagmeet Singh): Any addition? Ms. Thompson.

Ms. Lisa M. Thompson: Earlier, just moments ago, we had one of our motions pertaining to making sure that directors came with experience of waste management compliance. That got voted down. We don't need directors who may not necessarily have the expertise in waste management compliance policing brand holders and telling them—not only brand holders, but service providers and municipalities—what they should and should not be doing. That's our rationale behind this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate with respect to this motion? Seeing none, are we in a position to vote on it? It looks like we are. Shall motion 26.3 carry? All those in favour? All those opposed? The motion is defeated.

Ms. Lisa M. Thompson: Two more minutes, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Yes. Let's keep on going. Let's do it.

Okay, 26.4, I understand, might need to be stood down.

Ms. Lisa M. Thompson: Yes, absolutely. I'd ask for unanimous consent to stand down motion 26.4, as it relates to sections 61 and 62.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Is everyone in agreement with that? Yes. All right; sounds good.

The Vice-Chair (Mr. Jagmeet Singh): Let's keep on going: 26.5. Do you want to just read that in?

Ms. Lisa M. Thompson: Yes. Actually, I ask for unanimous consent to stand down this particular motion as it relates to 67 to 70.

The Vice-Chair (Mr. Jagmeet Singh): Another stand-down.

Interjection.

Ms. Lisa M. Thompson: Sections 67 to 70.

Interjection: That's 67 to 70, inclusive, am I right?

Ms. Lisa M. Thompson: Yes, "to." Yes, sorry.

The Vice-Chair (Mr. Jagmeet Singh): Is everyone okay with that? It looks like everyone is. Okay—stood down.

Next one: 26.6. Mr. Coe.

Mr. Lorne Coe: I move that section 17 of schedule 1 to the bill be amended by adding the following subsection:

"Appeal

"(5.1) A person or entity may appeal a decision by the director under subsection (5) to the minister in accord-

ance with the regulations, who may overturn the decision.”

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson, for an explanation.

Ms. Lisa M. Thompson: Again, this is just straight up. Brand holders, service providers and municipalities should be able to appeal a director’s decisions to the minister. Again, we reserve concern over the fact that our previous motion was defeated, where we wanted to see the director to have specific waste management compliance experience, so we feel that brand holders, service providers and municipalities should be able to appeal a director’s decision to the minister.

The Vice-Chair (Mr. Jagmeet Singh): Any other debate? Mr. Hatfield.

Mr. Percy Hatfield: I have a concern that this could unnecessarily politicize decision-making, so I don’t think that I can support it.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Thank you, Chair. It’s already addressed through a previous government motion, which provides an opportunity for persons to be heard before the director, so we will not be supporting this motion.

The Vice-Chair (Mr. Jagmeet Singh): Are we in a position to vote on this? Yes. We can make this the last one of the day. All those in favour of motion 26.6? All those opposed? The motion is defeated, and so is our time here today.

Ms. Lisa M. Thompson: One more.

The Vice-Chair (Mr. Jagmeet Singh): You guys want to do one more?

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): It’s 6 on the dot, everybody. I would love to continue working, but we are bound by certain rules.

I adjourn the committee until 4 p.m. tomorrow, Tuesday, May 3, in the same room. See you all there.

The committee adjourned at 1800.

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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Tuesday 3 May 2016

Journal des débats (Hansard)

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Standing Committee on Social Policy

Waste-Free Ontario Act, 2016

Comité permanent de la politique sociale

Loi de 2016 favorisant
un Ontario sans déchets

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Telephone 416-325-7400; fax 416-325-7430
Published by the Legislative Assembly of Ontario



Service du Journal des débats et d'interprétation
Salle 500, aile ouest, Édifice du Parlement
111, rue Wellesley ouest, Queen's Park
Toronto ON M7A 1A2
Téléphone, 416-325-7400; télécopieur, 416-325-7430
Publié par l'Assemblée législative de l'Ontario

LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Tuesday 3 May 2016

Mardi 3 mai 2016

The committee met at 1601 in committee room 1.

WASTE-FREE ONTARIO ACT, 2016

LOI DE 2016 FAVORISANT
UN ONTARIO SANS DÉCHETS

Consideration of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

The Vice-Chair (Mr. Jagmeet Singh): Good afternoon, everybody. We're calling to order the committee to address Bill 151.

Last we broke, we were at motion 26.7, which is dealing with schedule 1, section 17. It's a PC motion, so I recognize Mr. Coe.

Mr. Lorne Coe: Chair, through you, I'll move that section 17 of schedule 1 to the bill be amended by adding the following subsection:

"No obligation

"(7) For greater certainty, paragraph 2 of subsection (5) does not require the person or entity to carry out the proposed steps submitted to the director."

Chair, through you, I defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: We just want to recognize that under Bill 151, persons or entities are required to ensure that their actions are consistent with policy statements. If they are not, the director can require them to submit a report outlining how they will become consistent with policy statements.

This amendment, in particular, would ensure that the person or entity is not legally obligated to carry out the steps outlined in its report. We feel that this is pretty significant in the sense that, under Bill 151, brand holders, service providers and municipalities will be obligated to submit a report to a director if this particular director believes that their actions are not consistent with the policy statement.

Just for the benefit of everyone, I would just like to remind them that, yesterday, one of our motions was

defeated whereby we were hoping that the director could be, at least, an expert in waste management. That particular motion was defeated.

Again, this motion today, under Bill 151, would allow a little bit of cover, if you will, for brand holders, service providers and municipalities that will be obligated to submit a report to a director if the director believes that their actions are not consistent with the policy statement. We want to ensure that the person or entity is not legally obligated to carry out the steps outlined in the report.

This amendment would ensure, as I said, brand holders, service providers and municipalities are not legally obligated to carry out the steps that have been outlined in a report by a director who may or may not have the waste management expertise that we were hoping to develop within our earlier amendments.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Mr. Hatfield.

Mr. Percy Hatfield: I would like to have started the day off on a more positive note; however, I can't support the motion because I see it as undermining enforcement.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The government doesn't support this motion as it would allow persons to avoid compliance.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments, questions, discussion? Mr. Coe.

Mr. Lorne Coe: Just a brief comment; I made this yesterday. I talked, at the time, about the already excessive administrative burden that municipalities have with some of the interaction that they have with the province in general, but more specifically related to larger pieces of legislation. It's the administrative burden in the context of the work that the staff have to conduct. We have 440 municipalities at the present time. You take the corollary of that and you look at the financial implications as well. It is a challenge, already, in many municipalities, to keep the tax rate low.

Coupled with what my colleague to my left had to say, I know that all members of this committee have a keen appreciation of the demands that municipalities have on a day-to-day basis and the struggles they have in trying to keep the tax rates low overall. I would hope that in the course of factoring a particular motion, you would weigh that carefully, please.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Seeing none, are you prepared to vote?

Yes. Shall motion 26.7 carry? All those in favour? All those opposed? The motion is lost.

The next motion is motion 27. It's a government motion. I recognize Ms. Mangat.

Mrs. Amrit Mangat: I move that subsections 17(5) and (6) of schedule 1 to the bill be struck out and the following substituted:

"Failure to ensure consistency

"(5) If, in the director's opinion, a person or entity described in subsection (2) fails to act in accordance with the person's or entity's obligation under section 12 to ensure that it performs its duties and carries out its activities in a manner that is consistent with all applicable resource recovery and waste reduction policy statements, the director may do one or both of the following:

"1. Require the person or entity to provide information the director specifies with respect to the person's or entity's efforts to meet the obligation and the reasons for the failure to do so.

"2. Require the person or entity to prepare and submit to the director a report describing the proposed steps to be taken to meet the obligation and the proposed timelines for doing so.

"Manner

"(6) The person or entity shall comply with a requirement under subsection (5) in accordance with the director's directions and any prescribed requirements.

"Opportunity for comment

"(7) Before taking any action under subsection (5), the director shall give the person or entity an opportunity to provide the director with comments on the performance of their duties and the carrying out of their activities.

"Limitation

"(8) Subsection (7) does not apply to the extent that the person or entity has provided a report on the duties and activities in question in response to a director's direction under subsection (1)."

The Chair (Mr. Jagmeet Singh): Any explanation? I recognize Ms. Mangat.

Mrs. Amrit Mangat: This motion ensures that the director has the ability to review both the performance of duties as well as the carrying out of activities as part of a review of consistency with policy statements. The government supports this motion.

The Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Thompson.

Ms. Lisa M. Thompson: It's interesting because, upon reflecting on this government motion, it essentially makes the changes we're attempting to do ourselves in motions 26.6 and 26.7. We're going to be supporting this.

The Chair (Mr. Jagmeet Singh): Okay, sounds good. Any additional comments? Mr. Hatfield?

Mr. Percy Hatfield: I would say it's going to be unanimous, sir.

The Chair (Mr. Jagmeet Singh): Okay; excellent. Looks good. Let's move to the vote. All those in favour of motion 27? All those opposed? The motion carries.

We're in a position to deal with schedule 1, section 17, as amended. Is there any debate on schedule 1—

Interjection.

The Chair (Mr. Jagmeet Singh): I've been given conflicting information, for which the information provider is sorry, I've been advised. I will not be in a position to deal with this schedule section yet.

1610

We'll move now to motion 27.1. It's dealing with schedule 1, section 18. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I'm going to need my glasses here.

I move that section 18 of schedule 1 to the bill be amended by striking out "any of the information provided under subsection 17(5)" and substituting "any information provided under subsection 17(5) that is not commercially sensitive, as defined in the regulations".

Chair, through you, I defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: I believe this motion speaks for itself, Chair. Number 27.1 essentially would protect commercially sensitive information. This is something that we heard as a concern from the stakeholders we consulted with. Really and truly, we all should be mindful of protecting our business that drives our economy in this province. I'd be surprised if it was voted against, quite frankly.

The Vice-Chair (Mr. Jagmeet Singh): Any other comments? Ms. Mangat.

Mrs. Amrit Mangat: Freedom-of-information and privacy-protection requirements already apply to records and information in the custody and control of government ministries, so this motion is not necessary. The government doesn't support it.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate or discussion? Seeing none, are we prepared to vote? Yes. Shall motion 27.1 carry? All those in favour? All those opposed? The motion is defeated.

Mr. Lorne Coe: Excuse me, Chair—

The Vice-Chair (Mr. Jagmeet Singh): Yes?

Mr. Lorne Coe: Can the speakers just move their microphones a little bit closer, please?

The Vice-Chair (Mr. Jagmeet Singh): Yes, certainly. Just to ensure that everyone can hear, I think that's a fair request.

Okay: 27.2, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 18 of schedule 1 to the bill be amended by adding the following subsection:

"Notice

"(2) The director shall provide 10 days' notice to the person or entity who provided the information under subsection 17(5) before disclosing it."

Through you, Chair, I defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Again, this amendment is straightforward. It would provide companies with notice that information is going to be disclosed. If it's going to be made available, at least the companies affected should

be paid the regard and given notice that this information is going to be made available.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or comment? Ms. Mangat.

Mrs. Amrit Mangat: I think this would be better addressed through operational policy in the implementation of the act rather than in the legislation, so the government doesn't support this legislation.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Mr. Coe.

Mr. Lorne Coe: The intent of this amendment, supplementary to what my colleague had to say, is to—

Interjection.

Mr. Lorne Coe: I'll move it closer to me. There we go.

Supplementary to my colleague—is to reduce red tape and to try—and I know that the members opposite strive to do that as well. I think we all agree that what we want to work towards, including my colleague from Windsor—

Mr. Percy Hatfield: Tecumseh.

Mr. Lorne Coe: Tecumseh; sorry—is also to put the right conditions in place for business to succeed. That's the premise of this particular amendment.

Chair, through you, we're prepared to vote when you're ready.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Mr. Hatfield.

Mr. Percy Hatfield: I wasn't going to say anything. I'll just say that it would undermine enforcement, so I'll be opposing it.

The Vice-Chair (Mr. Jagmeet Singh): Are we in a position to vote on the bill? Let's begin with the vote.

Shall motion 27.2 carry? All those in favour? All those opposed? The motion is defeated.

Interruption.

The Vice-Chair (Mr. Jagmeet Singh): Someone was upset by that, I think. They protested through the microphone.

We are now in a position to deal with schedule 1, section 18. It has not been amended. First, is there any debate on schedule 1, section 18?

Mr. Percy Hatfield: Can I ask a question first?

The Vice-Chair (Mr. Jagmeet Singh): Yes, you can.

Mr. Percy Hatfield: Are we going to vote on section 17?

Mrs. Amrit Mangat: Seventeen, yes.

The Vice-Chair (Mr. Jagmeet Singh): Sorry? Are we going to vote on—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): On 17, yes. What happened in section 17 is that two other motions that were presented by the PC Party were stood down, and so once the connected motions are dealt with, then we'll return to section 17.

Mr. Percy Hatfield: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): No problem, Mr. Hatfield.

Debate on schedule 1, section 18? Any debate? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: From the loyal opposition, the PC Party of Ontario, we just reinforce the position that we feel that policy statements are an unnecessary addition to the bill. We just want to revisit that because they will simply create regulatory burden and overlap that really and truly Ontario businesses, working hard to reduce waste, should not have to be subjected to.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The government doesn't support the PCs' voting recommendation. The government votes to carry this section.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Thank you for that, Ms. Mangat. Any additional debate? Seeing none, let's vote now on this section.

Shall schedule 1, section 18, carry? I heard a no. All those in favour of schedule 1, section 18? All those opposed? The section carries.

Now we're dealing with motion 27.3: schedule 1, section 19. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 19 of schedule 1 to the bill be struck out and the following substituted:

"Form or format

"19. The minister may establish guidelines to specify the form or format in which the information to be provided under section 17 must be submitted."

Thank you, Chair, and through you to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Simply put, this particular amendment would reserve the power for the minister and stop the director from determining the form or format of the information.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments? Ms. Mangat.

Mrs. Amrit Mangat: This motion would interfere with the ability of the ministry to conduct reviews as needed, so the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or comments? Seeing none, shall we vote on this motion? Okay.

All those in favour of motion 27.3? All those opposed? The motion is defeated.

We're now in a position to deal with schedule 1, section 19. Before we begin with the vote, are there any comments or debate with respect to this section? Seeing none, are we now in a position to vote on this section? Yes?

Shall schedule 1, section 19, carry? Did I hear a no? Okay. All those in favour? All those opposed? The section carries.

Next is motion 27.4. It's a PC motion addressing schedule 1, subsection 20. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 20(3) of schedule 1 to the bill be struck out and the following substituted:

"Notice

“(3) The minister shall give notice to the public at least 10 days before issuing a declaration.”

To my colleague, through you.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Essentially, it's all about accountability and transparency. I feel strongly that this amendment would build more credibility into Bill 151 because it would require the minister to actually provide a declaration to the public before actually issuing it. It makes sense.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The provision, as drafted, already provides parties to the affected hearing a minimum of 30 days to take steps to respond to the effect of the declaration on the hearing. So the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Are we in a position to vote on this motion? Oh, yes. Sorry, Mr. Hatfield. Thank you very much, sir.

Mr. Percy Hatfield: I agree with the government on this.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Thank you very much for that, Mr. Hatfield.

Are we in a position to vote on motion 27.4?

Shall 27.4 carry? All those in favour? All those opposed? The motion is defeated.

Moving now to motion 27.5, also a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 20(4) of schedule 1 to the bill be amended by striking out “the tribunal's or board's decision is not final or binding with respect to the issues identified in the declaration” at the end and substituting “the tribunal or board shall have regard for the declaration.”

1620

Through you to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: This is all about democracy—this particular amendment—in the sense that people are chosen based on their merit and their expertise to sit on a tribunal. They have an honour and a duty to perform accordingly. This amendment would remove the minister's power to nullify a tribunal's or board's decision.

We worry that from time to time decisions could be political or perhaps a favour to a particular stakeholder and the minister could feel compelled, for various reasons like funding donations or things like that, to do a particular stakeholder's bidding. We just want to make sure that the minister doesn't have the power to overturn the genuine goodwill of people sitting around a tribunal table. That's why we came forward with this particular amendment.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The declaration of provincial interest is a key tool for the government to maintain a

level of oversight in the application of the provincial interest and policy statements. This motion would undermine the effect of the minister's declaration on a matter of provincial interest, so the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, shall we vote on the motion? Okay.

Shall motion 27.5 carry? All those in favour? All those opposed? The motion is defeated.

Now PC motion 27.6: I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 20(4) of schedule 1 to the bill be struck out.

To my colleague, through you.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Again, we feel very strongly that democracy is being supported with this particular amendment. We recognize and value the hard work and the willingness of people to come forward and sit at a tribunal table or on a board, and we would hate for their best efforts to be turned over or tinkered with in regard to a minister maybe having to give in to some external pressures, if you will.

This particular amendment would remove the minister's power to nullify a tribunal's or board's decision. Just as we have stated earlier, we want to prevent the minister, who could be experiencing external pressures, from interfering in any way with the decision-making process of a board or tribunal.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: As I said earlier, and I'm going to reiterate it, the motion would undermine the effect of the minister's declaration on a matter of provincial interest, so we don't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or comments? Mr. Hatfield.

Mr. Percy Hatfield: Me neither.

The Vice-Chair (Mr. Jagmeet Singh): Sounds good, Mr. Hatfield. Thank you. Always succinct and to the point.

Shall we vote on motion 27.6? Excellent. Shall motion 27.6 carry? All those in favour? All those opposed? The motion is defeated.

The next motion is PC motion 27.7. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 20(5) of schedule 1 to the bill be struck out and the following substituted:

“Power of Lieutenant Governor in Council

“(5) The Lieutenant Governor in Council may require the tribunal or board to have regard for the declaration when they decide the issue.”

Through you, Chair, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Again, there's a common theme happening here and it's because we in the PC Party of Ontario want to stand up for democracy and allow tribunals and boards to work in the manner in

which they've been appointed. This particular amendment would stop the government from rescinding a tribunal or board decision.

Again, in working with our stakeholders, we heard time and again concern over the exact authority and opportunity for a minister to have direct influence on an outcome, and we're trying to do our best in standing up for stakeholders we value. We would instead give the board and the tribunal the due respect that they deserve, and therefore stop the government from rescinding any decision made.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Ms. Mangat.

Mrs. Amrit Mangat: This motion would undermine the Lieutenant Governor's power to confirm, vary or rescind a decision of the tribunal and board, so the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments? Mr. Hatfield.

Mr. Percy Hatfield: I keep hearing my friends to the right wrap the flag around democracy when they make this presentation. I do not believe that democracy is threatened in any way by the original motion, so I won't be supporting their amendments. I just want it on the record that I don't agree with their argument that democracy is in danger if these amendments are not supported.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments or debate? Seeing none, are we in a position to vote on the motion? Yes? Okay.

Shall motion 27.7 carry? All those in favour? All those opposed? The motion is defeated.

The next motion is PC motion 27.8. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 20(5) of schedule 1 to the bill be struck out.

To my colleague, through you.

The Vice-Chair (Mr. Jagmeet Singh): We recognize Ms. Thompson.

Ms. Lisa M. Thompson: Essentially, this amendment, as well as protecting the decision-making of any board or tribunal, in particular will prevent the minister from interfering in the decision-making process.

I can't stress enough that people who get appointed to the boards or tribunals go through a rigorous selection process and they should be allowed to do the job that they feel they've been appointed to do. Quite frankly, I must say that we have been given just cause to not trust this government based on the manner in which they have conducted themselves, be it the gas plants scandal etc. Therefore, we feel we need to do what we can to protect the decision-making process associated with boards and tribunals.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: This motion is related to a series of motions aimed at restricting the implementation of the bill, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional comments or discussion?

We should recognize Mr. Tabuns, who has entered the committee.

Just in case Mr. Hatfield was distracted, any additional comments? Mr. Hatfield, would you perhaps like a brief recess? Would that benefit you?

Mr. Percy Hatfield: No, we're fine.

Mrs. Amrit Mangat: Chair, are we ready for the vote?

The Vice-Chair (Mr. Jagmeet Singh): I think we are. Is everybody ready for a vote at this point?

Mrs. Amrit Mangat: I think yes.

The Vice-Chair (Mr. Jagmeet Singh): Okay, sounds good.

Shall motion 27.8 carry? All those in favour? All those opposed? The motion is defeated.

Now we are at motion number 27.9. It's a PC motion. I recognize Mr. Coe.

Ms. Lisa M. Thompson: Actually, Chair, we would like to withdraw this particular motion.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Thank you very much, Ms. Thompson. I have noted it as withdrawn.

Ms. Lisa M. Thompson: Thank you.

The Vice-Chair (Mr. Jagmeet Singh): Those complete the motions for section 20.

We are now in a position to vote on schedule 1, section 20. Before we do that, is there any debate on schedule 1, section 20? No debate? Yes, I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Well, again, we stand firmly. We heard from stakeholders time and again that creating policy statements is just an effort to add to the regulatory burden and there's the threat of duplication, then, as well as conflict. We stand for reducing red tape for businesses. We should be inspiring and encouraging innovations and efficiencies as opposed to laying more red tape down on businesses' shoulders.

1630

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate on schedule 1, section 20? Seeing none, are we now in a position to vote on schedule 1, section 20? Yes.

Shall schedule 1, section 20, carry? I heard a no. All those in favour? All those opposed? The section carries.

Moving to motion 27.10—this is seeking to amend subsection 21: I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 21(1) of schedule 1 to the bill be struck out and the following substituted:

"Corporation dissolved

"(1) The corporation without share capital established under section 3 of the Waste Diversion Act, 2002 under the name Waste Diversion Ontario in English and Réacheminement des déchets Ontario in French is dissolved on the day this subsection comes into force.

"Authority established

"(1.1) A corporation without share capital is hereby established under the name Resource Productivity and Recovery Authority in English and Office de la

productivité et de la récupération des ressources in French.”

The Vice-Chair (Mr. Jagmeet Singh): I just have to make note, Mr. Coe: Well done on the French.

Mr. Lorne Coe: Well, thank you. I'm from Montreal.

Ms. Lisa M. Thompson: Très bien, mon ami.

The Vice-Chair (Mr. Jagmeet Singh): Excellent surprise.

Ms. Thompson, would you like to provide an explanation?

Ms. Lisa M. Thompson: Sure. I think nobody should be caught by surprise here when I say that the PC Party of Ontario has been very clear that we would scrap WDO, Waste Diversion Ontario, because it has failed to provide proper oversight. We shouldn't be rewarding this agency because of their failure with new powers. Again, simply, we should be abolishing WDO and start with a new authority.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate?

Mrs. Amrit Mangat: This motion would undermine the government policy advanced by the bill, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we in a position to vote on this motion? Yes.

Shall motion 27.10 carry? All those in favour? All those opposed? The motion is defeated.

We're now in a position to deal with schedule 1, section 21. Before we do so, is there any debate on this section?

Ms. Ann Hoggarth: It's not debate, but I was wondering if there's agreement that we could bundle 21, 22 and 23 since there are no amendments.

The Vice-Chair (Mr. Jagmeet Singh): That's a great suggestion, Ms. Hoggarth. We're just going to deal with this vote that we're in right now. Once that's dealt with, we can address your concern, which is a great suggestion, and we can ask everyone if they're in agreement.

Back to schedule 1, section 21: Is there any debate on this section? No? Okay. Are we in a position to vote on this section? Okay.

Shall schedule 1, section 21, carry? I heard a no. All those in favour? All those opposed? The section carries.

We've now dealt with schedule 1, section 21, which puts us in a position to deal with PC motion 0.1, which was stood down before. What is your position, Ms. Thompson?

Ms. Lisa M. Thompson: Chair, we'll withdraw it.

The Vice-Chair (Mr. Jagmeet Singh): Motion 0.1 is withdrawn. Now to address—yes?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Now we are able to deal with schedule—if you can all flip back to schedule 1, section 1. It has been amended, and that was one of the motions that was left. We've now dealt with motion 0.1, so we're in a position to vote on schedule 1, section 1, as amended.

Is everyone with me? We're back to schedule 1, section 1. There was one motion that was stood down. It has been dealt with, so now we're able to deal with it. The question is: Before we begin, is there any debate on schedule 1, section 1—

Interjection: As amended.

The Vice-Chair (Mr. Jagmeet Singh): As amended, of course. Any debate? I don't see any debate. Are we in a position to vote on schedule 1, section 1? Yes.

So shall schedule 1, section 1, as amended, carry? I heard a no. All those in favour of schedule 1, section 1? All those opposed? The section carries, as amended.

Members of the committee, we're now in a position to deal with sections 22 and 23. Since these two sections don't have any amendments, we can deal with them in a bundled fashion if the committee chooses to do so. Is there an agreement? As Ms. Hoggarth has raised this issue, it's something that's appropriate to do, if you would like. If not, there's no issue with dealing with each section separately.

Ms. Ann Hoggarth: Bundle, please.

The Vice-Chair (Mr. Jagmeet Singh): So we have bundling here. Do we have bundling on the other side? Yes. Everyone is okay with bundling. Okay. So we're bundling the two together.

Shall schedule 1, section 22, and schedule 1, section 23, carry? I heard a no. All those in favour of schedule 1, section 22, and schedule 1, section 23? All those opposed? The sections carry.

Now we are on schedule 1, section 24. The motion is 27.11. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 24 of schedule 1 to the bill be amended by striking out “and” at the end of clause (a), by adding “and” at the end of clause (b) and by adding the following clause:

“(c) to maintain a cost-effective budget.”

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson for an explanation.

Ms. Lisa M. Thompson: Simply put, the authorities shouldn't have a blank cheque to operate. If they have a blank cheque, they could be spending it on whatever they so choose. We've seen proof-points over the last decade of how this hasn't worked. I think of Ornge as a perfect example. We can't trust this government to get it right.

So this amendment is really, really important, because we should require the authority to run a cost-effective budget, which is accountable, to ensure that excessive costs are not passed on to Ontario's taxpayers or, in this particular case, consumers.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The government carefully designed the authority's mandate to minimize costs for the regulated community and to foster accountability and transparency regarding the authority's fees and charges. So we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Thompson.

Ms. Lisa M. Thompson: We'd like a recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Ayes

Colle, Thompson.

Nays

Anderson, Dhillon, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We are now in a position to deal with section 24. There have been no amendments that have passed, so just as it is. Before we begin with the vote, is there any debate on section 24? I don't see any debate. Are we in a position to vote on section 24? Yes, okay. Shall schedule 1, section 24 carry? I hear a no. All those in favour? All those opposed? The section carries.

If I could just have your brief indulgence, I have a question I want to ask.

Interjections.

1640

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for that indulgence.

We're now moving to motion 27.12. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 25(3) of schedule 1 to the bill be amended by striking out "five" at the end and substituting "three".

Thank you, Chair. Through you, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: This is all about being very careful and not allowing, again, perhaps, bending to outside pressures and the minister's ability to stack the deck, so to speak.

Currently, the manner in which this bill, Bill 151, is written, the minister can appoint five people to the authority. We feel very strongly that this should be, in the spirit of proper democracy, a situation whereby we need to be very careful with how much power gets held by one person.

Therefore, we feel strongly that—and I think that it's something that could be worked with—the number of ministerial appointees to the authority, who are facilitated by the minister, be reduced from five to three. Again, it's all in the spirit of accountability.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The government already has the flexibility to change the number of ministerial appointments by regulation, so we don't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Thompson.

Ms. Lisa M. Thompson: You know, it's really easy to say that the flexibility is there to tweak the numbers, so to speak. But with all due respect to the members opposite, past behaviour gives us reason not to trust that this particular initiative would be facilitated in an upfront, honest manner.

We've seen just today the National Post coming out with another exposé in terms of the type of fundraising that the Liberal Party has benefited from and how the funders, in return, have received special consideration.

We think it's very important that we, on behalf of stakeholders, businesses, Ontario taxpayers and municipalities affected by this particular bill, be protected. We need to limit the minister's authority and reduce the number of appointees that person is responsible for from five to three.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate and discussion? Seeing none, are we in a position to vote on motion 27.12?

Mrs. Amrit Mangat: We are.

The Vice-Chair (Mr. Jagmeet Singh): Excellent. Now, the vote: Shall motion 27.12 carry? All those in favour? All those opposed? The motion is defeated.

The next motion is 27.13. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 25(4) of schedule 1 to the bill be struck out and the following substituted:

"Same

"(4) The maximum number of members that may be elected under paragraph 2 of subsection (2) is six."

Through you, Chair, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Again, it's about being very careful about the amount of power an individual minister can have on the outcome of the decisions made at the authority.

Let's be real: If somebody is appointed to a board, there is going to some type of gratitude and some type of quid pro quo. We believe that in terms of protecting a straightforward, upfront process, we need to change, as well, the number of elected members on the board of this particular authority. To take that further, the number of elected members should not be changed at the whim of the minister. Again, minister's appointees—five, as it's defined by this particular bill—are already going to have too much sway, possibly, over the board.

This was a genuine concern that we heard on a regular basis from stakeholders. The consensus was that the minister should not have additional powers to limit or control the composition of the authority. Again, we have seen too many examples over the last decade or more as to how particular boards and organizations have failed and totally wasted Ontario tax dollars. It gives us concern, and the right to have concern, over this composition. Therefore, we feel strongly that the makeup of this particular authority with regard to elected members should not be tinkered with at the whim of the minister.

The Vice-Chair (Mr. Jagmeet Singh): Any addition? Ms. Mangat.

Mrs. Amrit Mangat: The current proposed legislation before committee requires the minister to ensure that his or her appointments do not constitute a majority of the board. So this motion is unnecessary; we will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? I don't see any at this point. Are we ready to vote on the motion? Shall motion 27.13 carry? All those in favour? All those opposed? The motion is defeated.

The next motion is 27.14, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 25(6) of schedule 1 to the bill be struck out and the following substituted:

“Qualifications

“(6) A person must have expertise in recovered resources or waste management systems to be eligible to be appointed or elected under subsection (2).

“Other prescribed qualifications

“(6.1) The minister may make a regulation prescribing other qualifications or eligibility criteria for persons appointed or elected under subsection (2), and if the minister makes such a regulation only persons meeting those qualifications or eligibility criteria may be appointed or elected.”

Through you, Chair, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: This particular amendment would require appointed and elected members of the authority to have expertise, to have a specialization in waste management or recovered resources. It's important to recognize that, particularly in subsection 26(2), we also see provisions whereby appointees' qualifications have been identified. This particular amendment, however, would limit the minister's authority, again, to create new criteria for board members through regulation, by ensuring that any regulations must require members to specialize. Again, we need people coming forward that have proper professional judgment with regard to their experience in waste management or resource recovery.

We've seen the disaster that has taken place at WDO, Waste Diversion Ontario, with its so-called skills-based board. So we justifiably just don't trust this government to get the appointees right in terms of this particular set of board members. Going forward, we'd like to ensure that board members are truly experts, as I've said before. The only way to ensure that the board has the right members is to set the requirements out in law.

Mrs. Amrit Mangat: I agree with the member that it's very important to have skills-based members on the board; however, the minister also has the ability to make a regulation that establishes qualifications and eligibility criteria for the board member. So we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Thompson.

Ms. Lisa M. Thompson: I would just like to remind everyone, and I'm sure a number of people in this committee room will agree, that WDO has been an absolute failure. We have to do everything we can to ensure that, going forward, the right people with the right expertise are around the table to guide forward.

1650

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate on this? Are we prepared to vote on this motion? Moving to the vote, shall motion 27.14 carry? All those in favour? All those opposed? The motion is defeated.

Moving now to motion 27.15.

Mr. Lorne Coe: I move that—

The Vice-Chair (Mr. Jagmeet Singh): I apologize, Mr. Coe. We're in a position to deal with section 25 now. Before we move to the next motion, let's deal with section 25. Any debate on schedule 1, section 25? Yes, Ms. Thompson?

Ms. Lisa M. Thompson: Again, we can't stress enough that Ontario has been subjected to a complete failure at WDO. We've been very steadfast in our position, going back to 2012, in pointing out how Waste Diversion Ontario has failed Ontario, and this government needs to be held somewhat accountable for that. To that end, you would think that they would want to do better. You know what they say about repeating past mistakes. I am just surprised that they don't want to ensure that they're taking the most sincere proper steps forward to avoid this type of failure again.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate on this section? Seeing none, are we in a position now to vote? Yes. The question is, shall schedule 1, section 25 carry? I heard a no. All those in favour of schedule 1, section 25? All those opposed? The section carries.

Moving now to motion 27.15, dealing with section 26, a PC motion: I recognize Mr. Coe.

Mr. Lorne Coe: I move that paragraph 1 of subsection 26(2) of schedule 1 to the bill be amended by striking out “waste reduction” at the end and substituting “waste management systems”.

And through you, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Again, I need to take a moment to share some sincere thoughts. I used to be a general manager of a dairy organization—a dairy co-operative, to be exact. I had the burden and honour—actually, the two go hand in hand—of growing the industry I represented. It wasn't always easy, but what allowed me to excel was the fact that I was absolutely confident that every single person sitting around my board table had the expertise required to help grow the co-operative that I managed. I know how important this can be. Therefore, it's so frustrating to hear, time and again, a government voting against thoughtful amendments that just make sense.

WDO, as it is today, as we've known it—dating back to 2012, we've called it out for the failure that it has

been. For this government to perhaps not listen to thoughtful amendments is just mind-boggling, but then again it's an example of where they have a majority and it's their way or the highway, unfortunately. At the end of the day, it's unfortunate in terms of the dent in democracy that happens because of that.

I think that the government and the members opposite would be very mindful and be taking a proper step to remove the reference to "waste reduction" and replace it with "waste management systems" to ensure that appointees have the expertise in waste management systems. Again, the point is to ensure that they have the specialization in waste management systems.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: This motion would undermine the government's policy, including reducing waste, advanced by the bill. So the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we in a position to vote on motion 27.15? Yes. Shall motion 27.15 carry? All those in favour? All those opposed? The motion is defeated.

Now moving to motion 28: It's an NDP motion. I recognize Mr. Tabuns.

Mr. Peter Tabuns: I appreciate the opportunity.

I move that paragraph 5 of subsection 26(2) of schedule 1 to the bill be struck out.

Chair, as you may be aware, we have a number of interests in this bill. One of the interests is retaining the ability of the ministry to ensure compliance and carry out enforcement. There are a number of motions that we've put forward to that end. This is one of them.

I think that it has been pretty clear, from the presentations by environmental stakeholders, that retention of enforcement and compliance powers with the ministry are critical to ensure that this whole operation is run in a way that is democratically responsive. We've had difficulties in the past with designated authorities like the TSSA. There's no need to repeat that experience.

This motion is one of a number to retain those powers with the ministry itself.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The authority is an oversight body, and it's very important to give compliance and enforcement tools towards its success in this regard. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Thompson.

Ms. Lisa M. Thompson: We absolutely concur with the member of the third party with regard to the example he used, the TSSA. It has been an absolute burden and unnecessary. Actually, I'd be hard-pressed to come up with anything good about TSSA when I think about the conversations I've had with stakeholders. Using that as an example, it has just proven to be red tape and regulatory burden that bogs down advancements.

It's an interesting motion the NDP have put forward. They certainly have listened to stakeholders. I agree with that.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we in a position to vote on this motion?

Mr. Peter Tabuns: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted, Mr. Tabuns.

Recorded vote noted, and we're now in a position to vote.

Ayes

Coe, Tabuns, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We now move to motion 28.1. It's PC: Mr. Coe?

Mr. Lorne Coe: I move that section 26 of schedule 1 to the bill be amended by adding the following subsection:

"Same

"(9.1) In appointing a member under subsection (9), the minister shall, to the extent possible, ensure that the board continues to be composed of individuals who collectively have experience and expertise in the areas listed in subsection (2)."

Now, Chair, through you, this amendment—and members of the committee—is largely legal cleanup. I know that you've gone through all the amendments, so you'll know that.

It would require the minister to ensure that any individuals that are appointed to fill a vacancy on the board have expertise in areas listed under subsection (2)—for example, resource recovery, finance, etc.—as it's laid out already in the legislation.

I stress, again, members of the committee, that this is just, largely, legal cleanup. My hope would be that you could see your way to support this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The government doesn't support this motion as we think it is duplicated through the provisions in the current proposed legislation.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Thompson.

Ms. Lisa M. Thompson: I would just like to remind everyone of the deputation we heard from the Ontario Chamber of Commerce. I don't believe any words were mixed during that deputation. It was pointed out to all of us that it was felt by the Ontario Chamber of Commerce that Bill 151 was poorly drafted.

Bill 172 was a rushed piece of legislation. Again, it's unfortunate that we have to do this type of cleanup in committee.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: If there are any vacancies on the authority's initial board, it expected that any replacement members would meet the qualifications outlined in that, so we will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or discussion? Seeing none, are we in a position to vote? Yes. Shall motion 28.1 carry? All those in favour? All those opposed? The motion is lost.

We're now in a position to deal with schedule 1, section 26. Before we do so, any debate on this section? Seeing none, are we in position to vote on this section? Yes. Shall schedule 1, section 26, carry? I heard a no. All those in favour? All those opposed? The section carries.

1700

Now moving to PC motion 28.2: I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 27 of schedule 1 to the bill be amended by adding the following subsections:

"Designated waste subcommittees

"(2.1) The board of directors may establish a subcommittee for each class of designated waste"—

Interjections.

Mr. Lorne Coe: I'm on the wrong one? Okay, sorry. Motion 28.2—sorry about that.

I move that subsection 27(1) of schedule 1 to the bill be amended by adding the following clause:

"(e) establishing a plan for the authority to maintain a cost-effective budget."

Through you, I defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Well, again, this is about accountability, transparency and making the authority responsible. Looking back through the years, there are so many examples of lack of oversight and, as a result, a total waste of taxpayer dollars. We could talk about SAMS, we could talk about Ornge or we could talk about eHealth. It gives us absolute footing to caution everyone about how important it is to make authorities responsible. It only makes sense that this particular motion go through so that the authority will have to maintain a cost-effective budget.

Again, Chair, we can never give another organization a blank cheque on the backs of Ontario taxpayers. We've seen, time and again—I've mentioned different examples—how organizations and authorities set up under this government absolutely wasted valuable Ontario taxpayer dollars that could have gone toward front-line health care and that could have supported families with autistic children. The list could go on and on, but instead we saw hundreds of millions of dollars, even billions if you think about the gas plant, squandered and wasted because of the mismanagement of this government.

Enough is enough, Chair. We need and should require the authority to run a cost-effective budget. That's just common sense. Anyone running a family budget or household, anyone running a small business or running a corporation would agree that no one should have a blank cheque. We hope the government will support the proper management of Ontarians' money.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Mangat.

Mrs. Amrit Mangat: Thank you, Chair. Let me just be clear: When it comes to transparency and accountability, our government has always shown leadership, and it's very important to note that the proposed legislation has included a combination of measures to ensure the authority operates in a most cost-effective matter. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: I think this is going to be a case where we're going to have to respectfully agree to disagree because even in the last four years, we've seen money wasted on decadent meals and we've seen organization and arm's-length authorities from the Liberal government waste dollars—Ornge, SAMS, eHealth; the list goes on and on.

Again, on behalf of Ontario taxpayers, I look across the room and I ask every member representing the government today to say, "You know what? We never, ever want to have another Ornge. We never, ever want to have another SAMS. We never, ever want to have another eHealth." Do right and support this particular motion in support of the proper management of Ontario tax dollars.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): Mr. Dhillon?

Mr. Vic Dhillon: Oh, he wanted me to explain something.

The Vice-Chair (Mr. Jagmeet Singh): Oh. Anyone else? Ms. Mangat.

Mrs. Amrit Mangat: This motion is related to a number of PC motions related to the authority to maintain a cost-effective budget. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Well, unfortunately, again, this is just another reason why this government is proving itself to be out of touch and why it can't be trusted. Probably, I would dare say, Ontario taxpayers will have the final say in 2018.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate or questions on this motion? Shall we vote on this motion, motion 28.2? Shall motion 28.2 carry? All those in favour? All those opposed? The motion is defeated.

Moving to 28.3—it is a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 27 of schedule 1 to the bill be amended by adding the following subsections:

“Designated waste subcommittees

“(2.1) The board of directors may establish a subcommittee for each class of designated waste.

“Subcommittee composition

“(2.2) A subcommittee established under subsection (2.1) shall be composed of,

“(a) representatives of brand holders, as defined in section 59;

“(b) representatives of owners or operators of waste management systems; and

“(c) representatives of municipalities.

“Subcommittee duties

“(2.3) A subcommittee established under subsection (2.1) shall provide advice to the board of directors on improving waste diversion for the designated waste and minimizing costs for consumers and taxpayers.”

Now, Chair, this motion would give the board of directors the ability to create a subcommittee based on each designated waste and would require that the membership of each committee consist of brand holders, service providers and municipalities.

It's our hope that the government would consider this amendment and vote in favour of what, when you look at it in its totality, is a very important change to assure that the authority has the advice it needs for brand holders, service providers and municipalities.

I spoke earlier in our discussion today about the impacts of this legislation on municipalities. I don't want to lose sight of that as we consider and move through the balance of these amendments, because they're significant.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The authority's bylaws already allow the authority to establish subcommittees, which could be made up of industry representatives, including producers, waste service providers or municipalities, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Well, again, this is a very important change. We need to make sure we have the right people around the table making the informed decisions that should be expected of an authority of this particular nature. It just stands to reason that an authority, overall, would be well informed and benefit from subcommittees that provide expert advice specifically on electronics, tires, packaging and other materials.

This is a common-sense amendment that really should be supported.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, shall we move to the vote? Shall motion 28.3 carry? All those in favour? All those opposed? The motion is defeated.

The next motion is 28.4. It is a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 27(3) of schedule 1 to the bill be struck out and the following substituted:

“Consultation

“(3) Despite subsection (1), the board of directors shall not pass a bylaw unless the proposed text was made available for public comment on the registry for a period of at least 30 days.

“Availability to public

“(3.1) The authority shall make each of its bylaws available to the public on the registry within five days after the bylaw is made.”

Now, Chair, we have some new members on the government side today. I know that the parliamentary assistant was here, and one of the continual themes we talked about at that time—I know they appreciate the context of that—was accountability and transparency. This particular amendment speaks to that. For now, I'll leave it at that. I know that my colleague will have some added comments as well, but stay with that for a moment—the accountability and transparency in this is the spirit of this particular amendment.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Mangat.

Mrs. Amrit Mangat: The proposed legislation already requires the authority to publicly post its bylaws on its registry within 30 days of being made, so we will not support this motion.

1710

The Vice-Chair (Mr. Jagmeet Singh): Does anyone else want to add to the debate? Ms. Thompson.

Ms. Lisa M. Thompson: You know, a lot can happen in 30 days. I think the public and Ontario taxpayers deserve to feel trust in the manner in which this authority has been established. Five days: I'm thinking and reflecting on how municipalities publish their bylaws and come forward in an efficient time manner—organizations, as well.

I think that it would be easy to do. If this government truly was committed to accountability and transparency, they would be voting for this.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we prepared to vote on this motion? Yes, okay. Shall motion 28.4 carry? All those in favour? All those opposed? The motion is lost.

Motion 28.5, PC motion: I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 27(4) of schedule 1 to the bill be struck out.

Chair, this amendment would remove subsection (4), which continues Waste Diversion Ontario's bylaws under the authority. In previous conversations, committee members, we've been very clear as a caucus that we want to scrap Waste Diversion Ontario. We don't simply want to continue this agency under a new name, and this legislation does that. That's the basis for this particular motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: This motion could also jeopardize the seamless transition of the existing programs into a new responsibility model, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Thompson.

Ms. Lisa M. Thompson: Well, the fact of the matter is that WDO was an absolute failure. You're just folding one failure into a potential second failure. We feel this particular motion would strengthen the approach.

I'd ask for a recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

Additional debate? Seeing none, are we in a position to vote on this motion? Yes.

Shall motion 28.5 carry?

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

That completes all the amendments for section 27. We're now in a position to deal with schedule 1, section 27. Is there any debate on this section? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Again, it's all about accountability. We can't repeat the dismal failures that cost Ontario taxpayers in the past. Again, Ornge, SAMS, eHealth—the list could go on and on. We need to actually move forward in a proper manner.

We've been very consistent about this since 2012. We were optimistic when we saw a lot of our suggestions that date back to 2012 embraced and somewhat embedded into Bill 151. But, quite frankly, it doesn't go far enough.

We feel very strongly that one aspect that would build more integrity into what this government is trying to achieve through Bill 151 would be scrapping WDO. If that's not the case, for goodness' sake, let's set up the authority in a manner in which people feel good about the minister's appointees, as well as the elected board, and that there is cost-effectiveness built in in terms of transparency and accountability. We should do right, as opposed to just following talking points.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate on section 27? Seeing none, are we now in a position to vote on section 27? Yes.

Shall schedule 1, section 27, carry? I heard a no. On this section: All those in favour of schedule 1, section 27? All those opposed? The section carries.

Just a moment's indulgence.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much for that indulgence.

We're now in a position to deal with motion 28.6, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 28(2) of schedule 1 to the bill be struck out and the following substituted:

"Same, transition

"(2) The authority shall enter into an initial transitional operating agreement with the minister and may, for this purpose, adopt the operating agreement between the minister and Waste Diversion Ontario that is in force under the Waste Diversion Act, 2002 immediately before this section comes into force.

"Same, transition

"(2.1) The initial transitional operating agreement referred to in subsection (2) is in force until the day it is replaced under subsection (4) or until 180 days after it was adopted, whichever is earlier."

I'll defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: It's important to develop a new operating agreement as soon as possible because, simply, we don't want the authority to become another Waste Diversion Ontario, just with a different name. We feel that this amendment makes sense in that it would require the board to put a new operating agreement in place within 180 days of the bill being passed.

I would ask that we have a recorded vote as well.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: This motion would make legislation unworkable so we will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we in a position to vote on this motion? Yes.

Shall motion 28.6 carry?

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We now move to PC motion 28.7. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 28 of schedule 1 to the bill be amended by adding the following subsection:

"Exception

"(3.1) Despite subsection (3), the operating agreement shall not set out,

"(a) any new powers for the authority;

"(b) any new duties for brand holders, as defined in section 59;

"(c) any new duties for owners or operators of waste management systems; or

“(d) any new duties for municipalities.”

Chair, this amendment would ensure that the authority remains limited in size and scope—again, relating back to our earlier discussion and comments—by prohibiting the operating agreement to set out any new powers for the authority and any new duties for brand holders, service providers and municipalities. We don’t want the authority to impose any new duties on the stakeholders that I just referred to.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: The authority is already required by law to follow its objects as outlined in the current proposed legislation, so we will not support this legislation.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: I hope we don’t have short memories because we can never, ever have another runaway agency like the Ontario Power Authority. This particular motion will keep the authority limited in size and scope. It is about ensuring that there’s no scope creep, so to speak.

This is a very sensible amendment that we hope the government agrees with and will vote in favour of. It’s just about keeping things straightforward. We don’t want the authority to take on any new powers that are not set out in the bill because we’ve been voted down. We worry about the makeup in terms of the appointees and the elected members already. If there’s a certain person that gets placed on this board by design, who knows where the scope and the authority and direction of this authority could go?

Again, we want to caution: We can’t afford another OPA. This is a sensible amendment that should be supported by everyone in this room.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we in a position to vote on motion 28.7?

Ms. Lisa M. Thompson: Recorded vote, please.
1720

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

Shall motion 28.7 carry?

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

Next is motion 28.8, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 28 of schedule 1 to the bill be amended by adding the following sub-sections:

“Publication of proposed agreement

“(4.1) The minister shall publish the proposed transitional operating agreement referred to in subsection (4) for public comment on the registry under the Environmental Bill of Rights, 1993 before it is entered into.

“Publication of agreement

“(4.2) The minister shall publish the transitional operating agreement referred to in subsection (4) on the registry under the Environmental Bill of Rights, 1993 after it is entered into.”

Chair, the context here would be to require the transitional operating agreement and the final transitional operating agreement on the Environmental Bill of Rights registry for public comment. If you subscribe, as I know the members do in this committee, to accountability, access and transparency, my hope would be that the members of the committee can see their way to support this particular amendment because underpinning it is simply that: access, transparency and accountability.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: This requirement is already included in the proposed legislation, under subsection 28(9) in schedule 1, so this is redundant. We will not support it.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none—

Ms. Lisa M. Thompson: Recorded vote, please.

Mr. Lorne Coe: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted.

Are we in a position to vote on this motion? Yes? Excellent.

Shall motion 28.8 carry?

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is defeated.

We now move to motion 28.9, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 28 of schedule 1 to the bill be amended by adding the following sub-section:

“Publication of notice

“(6.1) The minister shall publish a notice referred to in subsection (6) on the registry under the Environmental Bill of Rights, 1993 on the day it is served on the authority.”

The Vice-Chair (Mr. Jagmeet Singh): Additional comments?

Mr. Lorne Coe: The basis for this particular amendment is to improve the transparency of government decision-making. I think it’s what we as elected repre-

sentatives describe ourselves to try to do. That's the basis for this particular amendment. My colleague to my left will have some additional comments on this as well.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Mangat.

Mrs. Amrit Mangat: Chair, as you know, the Ministry of the Environment and Climate Change is a prescribed ministry under the Environmental Bill of Rights. The ministry will determine to what extent that act will apply to the proposed legislation. So we are not favouring this amendment.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate on this motion?

Mr. Lorne Coe: A recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted. Thank you, sir.

Are we prepared to vote on this motion? Yes?

Shall motion 28.9 carry?

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Moving now to motion 28.10, a PC motion: Mr. Coe.

Mr. Lorne Coe: I move that section 28 of schedule 1 to the bill be amended by adding the following subsections:

"Publication of proposed agreement

"(7.1) The minister shall publish a proposed amendment referred to in subsection (7) for public comment on the registry under the Environmental Bill of Rights, 1993 before it takes effect.

"Publication of agreement

"(7.2) The minister shall publish an updated version of the operating agreement on the registry under the Environmental Bill of Rights, 1993 on the day that an amendment referred to in subsection (7) takes effect."

And through you, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Simply put, this is a sincere attempt to improve the transparency associated with the government decision-making.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: Chair, the Ministry of the Environment and Climate Change is a prescribed ministry under the Environmental Bill of Rights, and the ministry will determine to what extent that act will apply to the proposed legislation. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

Is there any additional debate? Are we prepared to vote on this motion?

Shall 28.10 carry?

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We move now to motion 28.11. This is a PC motion. Mr. Coe.

Mr. Lorne Coe: I move that subsection 28(8) of schedule 1 to the bill be amended by adding "on and after the day it is entered into" at the end.

Chair, through you, to my colleague.

Ms. Lisa M. Thompson: This amendment is simply going to make it clear that the operating agreement shall be posted on the registry on or after the day it is entered into. Again, it's all in the spirit of transparency.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: The authority is already required to make the operating agreement available to the public on its registry, so we will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we prepared to vote on this motion?

Mr. Lorne Coe: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

Shall motion 28.11 carry?

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We are now in a position to deal with section 28. Before we do so, is there any debate on schedule 1, section 28? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Again, we stand firmly on the side of accountability and transparency and we would have hoped that this government, given its past blunders over the last decade or so, would have actually wanted to take an opportunity to show that they have learned from their mistakes. Unfortunately, what we're seeing here

today does not give us any sense of confidence in that regard.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none, are we in the position now to vote on schedule 1, section 28? Was there a recorded vote on this?

Ms. Lisa M. Thompson: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Okay. Recorded vote on schedule 1, section 28.

Ayes

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

Nays

Coe, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The section carries.

We now move to section 29 and motion 28.12, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 29 of schedule 1 to the bill be amended by adding the following subsection:

“Publication

“(1.1) The minister shall publish the policy direction on the registry under the Environmental Bill of Rights, 1993 on the day it is issued to the authority.”

Through you, Chair, to my colleague.

Ms. Lisa M. Thompson: You know, I have to share a comment at this time with regard to the EBR.

Constituents are very astute. They use connectivity very well. I can tell you it doesn't matter whether it's the Green Energy Act or Bill 151, they are looking to give comment. In the past, it would be safe to say government consultation has left a little bit to be desired. It just stands to reason—it's an effort to support democracy with regard to posting to the EBR to allow people to see it and to comment on it.

Again, what are they afraid of? In terms of improving on past mistakes, you would think this government would do everything they could to improve transparency and allow people a view into their decision-making.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Mangat.

Mrs. Amrit Mangat: Chair, the government already has the ability to require the authority to do so. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

No additional debate being seen, we're now in a position to vote on the motion.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

We move now to motion 29.

Ms. Lisa M. Thompson: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes?

Ms. Lisa M. Thompson: Can we just have a five-minute break?

The Vice-Chair (Mr. Jagmeet Singh): Absolutely. There are two ways to do it—

Ms. Lisa M. Thompson: Would people be amenable just for a quick restroom break?

The Vice-Chair (Mr. Jagmeet Singh): Yes, we can ask everyone if everyone is okay with it. Should we just make it 10 minutes, then?

Mrs. Amrit Mangat: No, five minutes.

Ms. Lisa M. Thompson: No, five is fine, I think.

Mr. Peter Tabuns: Five is fine.

The Vice-Chair (Mr. Jagmeet Singh): Five is fine. Everyone is okay with five.

Okay, fine. A five-minute break. We'll be back in five minutes.

The committee recessed from 1731 to 1737.

The Vice-Chair (Mr. Jagmeet Singh): The committee is now resumed. I call to order the committee. Thank you so much. You're all so lovely. Thank you for coming to order. I appreciate that. It's a great thing to see.

We begin with government motion 29. I recognize Ms. Mangat.

Mrs. Amrit Mangat: I move that section 29 of schedule 1 to the bill be struck out and the following substituted:

“Policy directions

“29(1) If the minister considers it advisable in the public interest to do so, the minister may issue public directions to the authority relating to the authority's carrying out of its objects.

“Notice

“(2) The minister shall give the authority the notice that the minister considers reasonable in the circumstances before issuing a policy direction.

“Implementation

“(3) The authority shall carry out its objects in a manner that is consistent with any policy directions issued by the minister.

“Policies under Waste Diversion Act, 2002

“(4) A policy established under section 7 of the Waste Diversion Act, 2002 that was in effect immediately before this section comes into force continues in effect as a policy direction under this section until it is revoked.”

Chair, I support this recommendation because it's very critical for the continuation of existing waste diversion programs until they are wound up.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, Ms. Mangat. I guess there was an issue with the reading of subsection (1). If you could just reread that subsection (1) component—subsection 29(1).

Mrs. Amrit Mangat: Okay.

"29(1) If the minister considers it advisable in the public interest to do so, the minister may issue policy directions to the authority relating to the authority's carrying out of its objects."

The Vice-Chair (Mr. Jagmeet Singh): Thank you very much.

Mrs. Amrit Mangat: I did read it.

The Vice-Chair (Mr. Jagmeet Singh): Pardon me?

Mrs. Amrit Mangat: I did read it.

The Vice-Chair (Mr. Jagmeet Singh): I think you did. There was just an issue that counsel brought up.

Mrs. Amrit Mangat: Okay.

The Vice-Chair (Mr. Jagmeet Singh): I think it has now been addressed. Thank you very much. Would you like to provide an explanation to this motion?

Mrs. Amrit Mangat: Yes, Chair. I said that continuation—no, what did I say?—that this motion is very important because of the continuation of existing waste diversion programs until they are wound up. So we favour it.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Ms. Thompson.

Ms. Lisa M. Thompson: Do you know what? I think it's important that we recognize this amendment for what it really is: It's setting up the opportunity to extend policies set for Waste Diversion Ontario. We've been very clear, again, dating back to 2012, that Waste Diversion Ontario has proven to be a failed initiative. Because of that, we would scrap it completely.

We oppose the government's attempt to sneak in a provision that would keep WDO's policies alive because, again, we're very clear on our position: We, the PC Party of Ontario, would scrap WDO and start over with a new authority—

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Thompson. Sorry, I didn't mean to cut you off.

Ms. Lisa M. Thompson: No, plain and simple, that's it.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing no additional debate, are we prepared to vote on this motion? Yes.

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted.

Shall motion 28.12 carry? All those in favour—

Ms. Ann Hoggarth: No, no, no.

Mrs. Amrit Mangat: No, no, no.

Mrs. Marie-France Lalonde: No, no, no.

The Vice-Chair (Mr. Jagmeet Singh): You're all paying attention. Well done. You guys are ready. I got you on your toes.

Ms. Lisa M. Thompson: It was a listening test.

The Vice-Chair (Mr. Jagmeet Singh): I'll keep that going. I can't slide anything by you. You folks are too sharp. Good to know.

Mrs. Marie-France Lalonde: We may not look it.

The Vice-Chair (Mr. Jagmeet Singh): No, no; it definitely looks like it, too. No disrespect to anybody.

Back to the motion: Shall motion 29 carry?

Ayes

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

Nays

Coe, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The motion is carried.

Now we move to section 29, as amended. Is there any debate on section 29, as amended? I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Again, you know what? I feel compelled to have to speak about this because WDO has been an absolute failure. The fact that they're sneaking in provisions to carry on policies and they're not taking into consideration the importance of accountability and transparency is baffling.

The fact of the matter is that we should be working together to improve this bill. By opposing so many of our amendments, clearly this government has no intention of doing just that. They're content with their mismanaged ways and they have no interest in improving.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? No, I don't see any. Are we prepared to vote on schedule 1, section 29?

Ms. Lisa M. Thompson: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is requested on this vote, and it will be honoured.

Shall schedule 1, section 29 carry—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): As amended.

Let me say that again, then: Shall schedule 1, section 29, as amended, carry?

Ayes

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

Nays

Coe, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The section carries—

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): —as amended.

It's important to always say "as amended" if it's amended. Some people like to forget to say that. I don't know who those people are. But some people are reminded, and I appreciate the reminders.

We're on motion 29.1. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 30 of schedule 1 to the bill be struck out and the following substituted:

"Consultations, etc.

"30. The minister may do any of the following:

"1. Conduct consultations with the public, with persons who have relevant experience or knowledge, or with both, on any matter related to resource recovery or waste reduction.

"2. Establish one or more advisory councils to provide advice to the authority on matters related to carrying out its objects."

This amendment clearly removes the authority from the consultation process and ties back to our earlier narrative on that aspect. Instead, it allows the minister, which I hope my colleagues opposite will support, to conduct consultations on resource recovery and waste reduction, as well as establish advisory councils.

Clearly, what we've been advocating through this process yesterday and today as well is that the minister should manage consultations on waste diversion policy, not the authority.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Mangat.

Mrs. Amrit Mangat: The government doesn't support this.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: Well, we just have to reiterate the fact that the policy development needs to be dealt with in the proper forum. We should not ever see or allow the authority to become a policy shop.

The Vice-Chair (Mr. Jagmeet Singh): Any additional debate? Seeing none, are we in a position to vote on this motion? Yes? Okay.

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): Motion 29.1 fails.

Motion 29.2: a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that paragraph 1 of section 30 of schedule 1 to the bill be struck out.

I defer, though you, to my colleague, please.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Well, simply, we're disappointed that the previous motion was voted against, but we stand firmly. The authority should not become a policy shop. This amendment reinforces that.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat?

Mrs. Amrit Mangat: We don't support this, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Seeing none—

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote noted.

Are we in a position to vote on this motion? Yes.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion, very surprisingly, fails.

Motion 29.3: a PC motion. I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Actually, Chair, we're going to withdraw this motion.

The Vice-Chair (Mr. Jagmeet Singh): Okay. The motion is withdrawn.

We are now moving to motion 30. It's a government motion. I recognize Ms. Mangat.

Mrs. Amrit Mangat: I move that paragraphs 1 and 2 of section 30 of schedule 1 to the bill be struck out and the following substituted:

"1. Conduct consultations with the public, or with persons or entities that have relevant experience or knowledge, on any matter that the minister specifies related to resource recovery, waste reduction or the circular economy.

"2. Advise or report to the minister on any matter related to,

"i. resource recovery, waste reduction or the circular economy, or

"ii. the authority's objects."

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: Chair, this motion enhances the public consultation and transparency, so I will vote in favour of this.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate? Mr. Coe?

Mr. Lorne Coe: Obviously, we have a fundamental philosophical difference here in terms of who should be doing the consultation. Our belief is that the environment ministry should be responsible for policy development, not the authority. That's our premise on this. We don't want the authority to become a policy shop. My colleague talked about it.

The problem we have with the authority, of course, is that it's fundamentally broken. Now we see a direction that they will be having a more significant role in policy development, and we won't support that.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate?

Ms. Lisa M. Thompson: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote has been requested. Government motion 30: Are we in a position to vote? Yes?

Ayes

Anderson, Dhillon, Hoggarth, Lalonde, Mangat, Tabuns.

Nays

Coe, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The motion carries.

Next, we have—on this motion, Mr. Tabuns—

Mr. Peter Tabuns: Yes, I'm well aware of that. The municipal advisory body motion that had been proposed earlier was defeated. This is now redundant. I'm not moving it.

The Vice-Chair (Mr. Jagmeet Singh): The motion is not being moved.

We are now in a position to deal with section 30, as amended. Before we go to the vote, is there any debate on section 30, as amended? No debate on section 30, as amended? Okay. Are we now in a position to vote on section 30, as amended? Yes? Okay. Shall schedule 1, section 30, as amended, carry? I heard a no.

1750

Mr. Lorne Coe: Recorded vote, please, Chair.

The Vice-Chair (Mr. Jagmeet Singh): The vote has already begun.

Mr. Lorne Coe: Very well.

The Vice-Chair (Mr. Jagmeet Singh): Next time, please give me a heads-up in advance.

All those in favour of section 30, as amended? All those opposed? It's carried, as amended.

We now move to motion 31.1, dealing with section 31, a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 31(1) of schedule 1 to the bill be amended by striking out "financial matters" at the end and substituting "financial matters, including the maintenance of a cost-effective budget".

And I'd like a recorded vote on it, please.

The Vice-Chair (Mr. Jagmeet Singh): Certainly.

Mr. Lorne Coe: Here again we have a situation where our expectation is a requirement that the authority run a cost-effective budget to ensure that successive costs are not passed on to consumers. We hope that the government will support the proper management of taxpayers' money. I'll defer to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Again, we're not going to stop our position and stop our attempts to make this particular bill and, ultimately, the authority more accountable. We can't stress enough—we've seen how OPA has grown out of control. We've seen the absolute failures of Ornge, eHealth, SAMS.

We're very concerned that this government is using the same old recipe and they're going to get the same old results. So we're going to do our job as the loyal opposition and put forward thoughtful amendments that will build in accountability. There is no way we should be just offering, as I mentioned before, a blank cheque. We feel that it's only common sense. It's the way anyone should run a business: that a cost-effective budget is in place to ensure that excessive costs are not passed on to consumers.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate?

Mrs. Amrit Mangat: Chair, we don't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson.

Ms. Lisa M. Thompson: Well, I guess that says a lot. The Liberal government just doesn't believe in supporting proper management of Ontarians' dollars.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate?

Mrs. Amrit Mangat: None.

Ms. Ann Hoggarth: The 407 wasn't good management.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Hoggarth?

Ms. Ann Hoggarth: No, it's okay.

The Vice-Chair (Mr. Jagmeet Singh): No additional debate? Are we in a position to vote—

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote? Yes, noted. Are we in a position to vote on this motion? Yes.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): The motion is lost.

Ms. Ann Hoggarth: Chair?

The Vice-Chair (Mr. Jagmeet Singh): Yes, Ms. Hoggarth?

Ms. Ann Hoggarth: Can we bundle the next two?

The Vice-Chair (Mr. Jagmeet Singh): Yes. We're just going to vote on this one and then we can deal with bundling—we can only bundle the one, I think.

Ms. Ann Hoggarth: Oh.

The Vice-Chair (Mr. Jagmeet Singh): We can't bundle any, actually, because the other ones have amendments.

We're now in a position to deal with schedule 1, section 31. First of all, is there any debate on this section? Ms. Thompson?

Ms. Lisa M. Thompson: Again, I believe it's very disheartening that this government will not support any amendments that bring in accountability to this particular authority. We have seen other entities created by this government run away with ill-conceived ideas and no caution as to responsibility for properly spending Ontario's taxpayer dollars. We think this government is making a mistake in turning a blind eye to the importance of a cost-effective budget, and we're just wanting to go on record that we're very disappointed in that.

The Vice-Chair (Mr. Jagmeet Singh): Additional debate?

Mrs. Amrit Mangat: Chair, the government doesn't support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Thank you, Ms. Mangat.

Ms. Lisa M. Thompson: Recorded vote.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote.

We are dealing with schedule 1, section 31. We've had debate.

Mrs. Amrit Mangat: Oh, sorry, Chair. Yes. It is to carry.

The Vice-Chair (Mr. Jagmeet Singh): We're just debating on schedule 1, section 31.

Mrs. Amrit Mangat: Oh, okay. Carry on.

The Vice-Chair (Mr. Jagmeet Singh): Okay. It's a recorded vote. We are going to vote now on schedule 1, section 31.

Ms. Ann Hoggarth: Not amended?

The Vice-Chair (Mr. Jagmeet Singh): It's not amended.

Ayes

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

Nays

Coe, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): The section carries.

We now can deal with schedule 1, section 32. There are no amendments. Any debate on schedule 1, section 32? No debate? Shall we move to a vote? Yes? Shall schedule 1, section 32 carry?

Ms. Ann Hoggarth: Not amended?

The Vice-Chair (Mr. Jagmeet Singh): If I don't say "amended," then it's not amended. It's only if I say the word "amended"—I think that's the only time it's

amended, as far as I understand. Shall schedule 1, section 32 carry? Carried.

We can now move to the next motion, which is motion 31.2, dealing with section 33. It's a PC motion. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 33(2) of schedule 1 to the bill be amended by adding the following clause:

"(c.1) a description of any measures the authority intends to take in the fiscal year to adhere to a cost-effective budget;"

Chair, this amendment would require the authority to include in his business plan to the minister a description of how it intends to adhere to a cost-effective budget. That's not out of line with what is the current practice within the civil service to begin with, in terms of accountability of how money is spent.

It's not out of line with what you would see as a practice within the private sector: When you have a business plan, you have measures that are built into it that demonstrate on a quarterly basis the extent to which you're meeting your financial goals. We're taking an approach on this that is business-like. But, at the end of the day, it allows a degree of transparency and accountability that's already in practice within the civil service, and it demonstrates very clearly how well money is spent or is not spent.

That's not an unreasonable expectation that not only committee members should have in this particular room, but it's an expectation of the people that we serve have. It's how their tax dollars are spent, and, if there's transparency, they can see how well that's been done or not. It's not about being partisan one way or the other; it's just a reasonable business expectation, Chair.

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments? Any debate?

Mrs. Amrit Mangat: None. We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Mangat.

Mrs. Amrit Mangat: We will not support this motion.

The Vice-Chair (Mr. Jagmeet Singh): Okay.

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): A recorded vote is noted. We are dealing with motion 31.2 in section 33.

Ayes

Coe, Thompson.

Nays

Anderson, Dhillon, Hoggarth, Lalonde, Mangat.

The Vice-Chair (Mr. Jagmeet Singh): Motion 31.2 fails.

We are getting near—well, it's a minute away from the end of our time here, but there are a couple of house-keeping matters that we need to address.

These are the only two days that we have scheduled to deal with clause-by-clause. As you can see before you, we have a thick package still, and we need to schedule some more days. I've instructed the Clerk to arrange for scheduling those additional days and having a sub-committee meeting to do so.

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): We just need to schedule it so it can be done. The next days are going to be May 9, 2 to 6 p.m. and May 10, 4 to 6 p.m.

Mr. Lorne Coe: Very well.

The Vice-Chair (Mr. Jagmeet Singh): All right. We will adjourn to our next sitting day. Thank you all. The committee is adjourned.

The committee adjourned at 1800.

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ISSN 1710-9477

Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 9 May 2016

Journal des débats (Hansard)

Lundi 9 mai 2016

Standing Committee on Social Policy

Waste-Free Ontario Act, 2016

Comité permanent de la politique sociale

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 9 May 2016

Lundi 9 mai 2016

The committee met at 1402 in committee room 1.

The Clerk of the Committee (Mr. Katch Koch): Good afternoon, honourable members. It is my duty to call upon you to elect an Acting Chair. Are there any nominations? Mr. Hatfield?

Mr. Percy Hatfield: I would take great pleasure in nominating the member from Hamilton Mountain, this lady next to me—

Miss Monique Taylor: What's her name?

Mr. Percy Hatfield: —Monique Taylor, to be our Acting Chair.

The Clerk of the Committee (Mr. Katch Koch): Miss Taylor, do you accept the nomination?

Miss Monique Taylor: I do.

The Clerk of the Committee (Mr. Katch Koch): Are there further nominations? There being no further nominations, I declare Miss Taylor duly elected as Acting Chair of the Committee.

WASTE-FREE ONTARIO ACT, 2016

LOI DE 2016 FAVORISANT
UN ONTARIO SANS DÉCHETS

Consideration of the following bill:

Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002 / Projet de loi 151, Loi édictant la Loi de 2016 sur la récupération des ressources et l'économie circulaire et la Loi transitoire de 2016 sur le réacheminement des déchets et abrogeant la Loi de 2002 sur le réacheminement des déchets.

The Acting Chair (Miss Monique Taylor): Good afternoon. We are here to resume consideration of Bill 151, An Act to enact the Resource Recovery and Circular Economy Act, 2016 and the Waste Diversion Transition Act, 2016 and to repeal the Waste Diversion Act, 2002. We left off at schedule 1, section 33.3, with the PC caucus.

Mr. Lorne Coe: I move that subsection 33(3) of schedule 1 to the bill be amended by striking out "promptly after submitting it to the minister" at the end and substituting "on the same day it is submitted to the minister".

I defer to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: Essentially, this amendment would require the authority to release the business plan to the public on the day that it's provided to the minister rather than having a more open-ended requirement. It would be provided promptly after submitting it to the minister. This amendment comes forward in the spirit of improving accountability and transparency.

The Acting Chair (Miss Monique Taylor): Any further discussion?

Mrs. Amrit Mangat: No comments.

The Acting Chair (Miss Monique Taylor): No comments? Are the members ready to vote? Okay. All those in favour? All those opposed? Motion lost.

Shall schedule 1, section 33, carry? Carried.

Schedule 1, section 34, and schedule 1, section 35, have no changes. Shall we lump them together? Okay. Shall schedule 1, section 34, and schedule 1, section 35, carry? Carried.

Schedule 1, new section, 35.1: The Conservatives have given us a motion.

Ms. Lisa M. Thompson: Motion 31.4?

The Acting Chair (Miss Monique Taylor): Motion 31.4.

Mr. Lorne Coe: I move that schedule 1 to the bill be amended by adding the following section:

"Authority is a public sector body

"35.1 The authority is a public sector body for the purposes of the Ombudsman Act."

I defer to my colleague.

Ms. Lisa M. Thompson: Essentially, to sum up, this would subject the authority to the oversight of the Ombudsman. Again, it's all in the spirit of improving accountability and transparency.

The Acting Chair (Miss Monique Taylor): Committee members, I am ruling this amendment out of order as it is, in my opinion, beyond the scope of the bill.

Interjection.

The Acting Chair (Miss Monique Taylor): I appreciate your indulgence, committee.

We'll move on to schedule 1, section 35.2: the Conservatives again, with 31.5.

Mr. Lorne Coe: I move that schedule 1 to the bill be amended by adding the following section:

"Authority is an institution

"35.2 The authority is an institution for the purposes of the Freedom of Information and Protection of Privacy Act."

I defer to my colleague.

Ms. Lisa M. Thompson: Again, in the spirit of accountability and transparency, this would subject the authority to freedom of information.

The Acting Chair (Miss Monique Taylor): Committee members, I am ruling this amendment out of order as it is, in my opinion, beyond the scope of the bill.

Mr. Percy Hatfield: Chair?

The Acting Chair (Miss Monique Taylor): Yes, Mr. Hatfield?

Mr. Percy Hatfield: Just for the record, I was going to support both of those.

The Acting Chair (Miss Monique Taylor): Okay. Thank you, Mr. Hatfield.

I don't see any changes to section 36, section 37, section 38 and section 39. Shall we group these together? Okay. Shall schedule 1, section 36, section 37, section 38 and section 39, carry? Carried.

Schedule 1, section 40: The Conservatives have a motion, 31.6.

1410

Mr. Lorne Coe: I move that section 40 of schedule 1 to the bill be amended by adding the following subsection:

"Same

"(1.1) The amount referred to in subsection (1) shall not exceed 1 per cent of the amount collected by the authority in subsection 41(1) in the current fiscal year."

I defer, Madam Chair, through you, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: Again, this is where accountability is really important. This amendment would limit the amount of money that the minister can take from the authority's revenue to 1%. We can't let the authority become a proverbial piggy bank for a cash-strapped government. The idea of having an authority is to have a dedicated agency, with dedicated funds, to collect data and monitor compliance. We don't want to see the government abuse this power under this subsection, so we believe the amount the government should be able to take from the authority should be limited to 1%.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mrs. Amrit Mangat: No debate.

The Acting Chair (Miss Monique Taylor): No debate? Shall we vote?

Ms. Lisa M. Thompson: Yes. Can it be recorded, please, Chair?

The Acting Chair (Miss Monique Taylor): Yes.

Ms. Lisa M. Thompson: Thank you.

The Acting Chair (Miss Monique Taylor): Ms. Thompson has asked for a recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): I find the motion lost.

Shall schedule 1, section 40, carry? Carried.

Schedule 1, section 41: The Conservatives have motion 31.7.

Mr. Lorne Coe: I move that subsection 41(2) of schedule 1 to the bill be struck out and the following substituted:

"Setting fees

"(2) In setting the fees, costs and charges described in clause (1)(a), the authority shall specify their amounts, or the method for determining them, and shall publish that information on the registry."

Thank you, Madam Chair, and, through you, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: In the spirit of accountability and transparency once again, this amendment would require the authority to post on the registry the amounts and the method for determining fees, costs and charges.

The Acting Chair (Miss Monique Taylor): Any further debate? Shall we vote?

Ms. Lisa M. Thompson: A recorded vote, please.

The Acting Chair (Miss Monique Taylor): Ms. Thompson has asked for a recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

The next motion is Conservative again, 31.8.

Mr. Lorne Coe: I move that section 41 of schedule 1 to the bill be amended by adding the following subsection:

"Limitation

"(4.1) No fee, cost or charge may be set under this subsection unless,

"(a) the impact on consumers and taxpayers is fully considered;

"(b) the amount of the fee, cost or charge is reasonable; and

"(c) the fee, cost or charge reasonably relates to the objects of this act or the performance of the authority's duties and the exercise of its powers under this act."

Thank you, Madam Chair, and, through you, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This particular amendment would protect taxpayers and consumers by ensuring that any fee or cost the authority sets is reasonable. We would hope that the government would support such a sensible amendment to protect taxpayers and consumers, all the while strengthening accountability.

Just to recap, this amendment would require the authority to ensure that no fee, cost or charge can be set unless it is reasonable and the authority considers its impact on taxpayers and consumers.

I'd ask for a recorded vote, please.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson. Any further debate? Shall we move ahead to the vote? A recorded vote, please.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Government motion, section 41: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 41 of schedule 1 to the bill be struck out and the following substituted:

“Fees

“41(1) For the purpose of recovering its costs, the authority may,

“(a) set and collect fees, costs or other charges due to the authority related to the performance of its duties and exercise of its powers under this act or any other act in accordance with processes and criteria established by the authority;

“(b) require persons to pay the fees, costs and charges described in clause (a); and

“(c) provide for the refund or credit of all or part of a fee, cost or charge described in clause (a).

“Setting fees

“(2) In setting the fees, costs and charges described in clause (1)(a), the authority may specify their amounts or the method for determining them.

“Limitations, requirements

“(3) Subsection (2) is subject to any limitations or requirements that may be prescribed in connection with fees, costs or charges, or the portions thereof, that are related to amounts payable under section 40.”

Page 2—

The Acting Chair (Miss Monique Taylor): Thank you.

Mrs. Amrit Mangat: No, there is more.

The Acting Chair (Miss Monique Taylor): Oh, sorry, Mrs. Mangat.

Mrs. Amrit Mangat: “Establishment and publication of fees, etc.

“(4) The following rules apply with respect to the establishment and publication of the fees, costs and charges described in clause (1)(a), the processes and criteria described in that clause and the requirements described in clause (1)(b):

“1. Before establishing, amending or replacing a fee, cost, charge, process, criterion or requirement, the authority shall engage in public consultation and shall post the proposed new or amended fee, cost, charge, process, criterion or requirement on the registry for public comment for at least 45 days.

“2. After public consultation and posting under paragraph 1, the authority shall publish the final version of the new or amended fee, cost, charge, process, criterion or requirement on the registry and a description of how the authority considered public comments in determining the final version.

“3. The fee, cost, charge, process, criterion or requirement is not effective until the later of,

“i. 30 days after its publication under paragraph 2, and

“ii. the day specified by the authority.

“4. The authority shall ensure that every fee, cost, charge, process, criterion or requirement that has been replaced by a new or amended one remains available to the public on the registry.

“Payment of fees

“(5) A person who is required under clause (1)(b) to pay a fee, cost or other charge shall pay it to the authority, at the times specified by the authority.

“Legislation Act, 2006, Part III

“(6) Part III of the Legislation Act, 2006 does not apply to powers exercised by the authority under this section.”

The Acting Chair (Miss Monique Taylor): Thank you, Mrs. Mangat. Any debate?

Mrs. Amrit Mangat: Yes, please. Chair, I would only like to submit that the proposed legislation includes a combination of measures to monitor the authority's operations with a view to efficiency and cost-effectiveness. So I will support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further debate? Are the members ready to vote? All in favour? All opposed? The motion is carried.

Shall schedule 1, section 41, as amended, carry? Carried.

Schedule 1, section 42: Shall it carry? Carried.

Schedule 1, section 43: a Conservative motion.

Mr. Lorne Coe: I move that subsection 43(2) of schedule 1 to the bill be amended by adding the following clause:

“(a.1) whether the authority acted outside of its mandate or exercised powers it does not have;”

Through you, Chair, I will defer to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson?

Ms. Lisa M. Thompson: This amendment simply strengthens accountability by ensuring that the Auditor General reviews any attempts by the authority to overstep its legal powers. This requirement is to investigate

whether the authority has acted outside of its mandate or it has exercised powers that it did not have.

I'd ask for a recorded vote, please.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson.

Any further debate? Are the members ready to vote?
Recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 43, carry? Carried.

Schedule 1, section 44: PC motion 44(1.1).

Ms. Lisa M. Thompson: In terms of motion 32.2?

The Acting Chair (Miss Monique Taylor): Oh, sorry. Motion 32.2.
1420

Ms. Lisa M. Thompson: Yes, we withdraw that.

The Acting Chair (Miss Monique Taylor): So we'll move on with Conservative motion 32.3.

Ms. Lisa M. Thompson: We'll withdraw that.

The Acting Chair (Miss Monique Taylor): Then we will move on to another new one: 32.4. Mr. Coe.

Mr. Lorne Coe: I move that section 44 of schedule 1 to the bill be amended by adding the following subsection:

"Tabling of report

"(1.1) The minister shall lay a copy of the report before the Legislative Assembly as soon as reasonably possible after receiving a copy from the authority."

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Chair, I'm very pleased to share with you that we were able to work with the government and the team associated with working and strengthening this motion on arriving at 32.4, and we are pleased to have the government members' support on this very important amendment to give people's representatives the opportunity to review the report.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are the members ready to vote?

All in favour? It's carried unanimously.

NDP motion number 33: Mr. Hatfield.

Mr. Percy Hatfield: I move that paragraph 2 of subsection 44(2) of schedule 1 to the bill be struck out.

The Acting Chair (Miss Monique Taylor): Any debate? Are members ready to vote?

All in favour? All opposed? The motion is lost.

We'll move on to government motion number 34.

Mrs. Amrit Mangat: I move that paragraph 2 of subsection 44(2) of schedule 1 to the bill be amended by

striking out "year" at the end and substituting "fiscal year".

This amendment is required to ensure consistency between the English version and French version of the legislation, so I support it.

The Acting Chair (Miss Monique Taylor): Any debate? Are the members ready to vote?

All in favour? It's unanimous. That motion is carried.

PC motion 34.1: Mr. Coe.

Mr. Lorne Coe: I move that subsection 44(2) of schedule 1 to the bill be amended by adding the following paragraph:

"3.1 A detailed summary of the financial costs that the authority's activities have imposed on brand holders, as defined in section 59, owners or operators of waste management systems, municipalities, consumers and taxpayers."

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This particular amendment recognizes that businesses have already invested significant time as well as resources into developing green solutions that would reduce waste and increase diversion rates.

The idea behind the motion is to help highlight the additional costs that businesses would have to shoulder because of the implementation of Bill 151. We're aware that it's critical that the government and the public are aware of the impact that this legislation will have on business, and how much business is doing to support green initiatives in general.

The Acting Chair (Miss Monique Taylor): Any further debate? Mr. Hatfield.

Mr. Percy Hatfield: I will be supporting all of the amendments in this section because I believe they are important and are useful in keeping enforcement in the minister's hands.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mr. Lorne Coe: Recorded vote, please, Chair.

The Acting Chair (Miss Monique Taylor): Recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 44, as amended, carry? Carried.

Section 45, we have no changes. Section 46, we have no changes. Are the members ready to vote?

All in favour of schedule 1, section 45 and section 46?
Carried.

Schedule 1, section 47: PC motion 34.2.

Mr. Lorne Coe: I move that section 44 of schedule 1 to the bill be amended by adding the following sub-section:

“Tabling of report

“(1.1) The minister shall lay a copy of the report before the Legislative Assembly”—

Ms. Lisa M. Thompson: Just a second.

The Acting Chair (Miss Monique Taylor): One moment, please.

Mr. Lorne Coe: On the wrong one. Sorry about that.

The Acting Chair (Miss Monique Taylor): Okay. Would you like to begin again please, Mr. Coe?

Mr. Lorne Coe: All right. We’ve got it now.

I move that subsection 47(1) of schedule 1 to the bill be struck out and the following substituted:

“Inspectors

“(1) The registrar may appoint provincial officers designated under the Environmental Protection Act, the Nutrient Management Act, 2002, the Ontario Water Resources Act, the Pesticides Act or the Safe Drinking Water Act, 2002, as inspectors for the purpose of enforcing this act.”

Through you, Chair, to my colleague.

Ms. Lisa M. Thompson: In a nutshell, our party has faith in the well-trained officers who already work at the Ministry of the Environment and Climate Change. We do not want the government to sideline these officers and create a whole new enforcement branch of waste cops at the authority. We know that the talented men and women at the ministry’s enforcement branch are truly up to the job and it would be the right thing for the government to give them a chance to carry out the enforcement provisions under this particular act. We strongly believe enforcement under this proposed act should not be outsourced to a third-party group, but rather, let’s leave the work with the qualified officers already with the Ministry of the Environment and Climate Change.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield.

Mr. Percy Hatfield: We believe that the act is only as good as the enforcement of the act. To enforce it, we need ministry inspectors. It keeps the enforcement provisions within the ministry in the minister’s hands. We will be supporting this section.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Can we have a recorded vote?

The Acting Chair (Miss Monique Taylor): We’ve been asked for a recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 34.3.

Mr. Lorne Coe: I move that section 47 of schedule 1 to the bill be struck out and the following substituted:

“Inspectors

“47.(1) The minister may appoint provincial officers designated under the Environmental Protection Act, the Nutrient Management Act, 2002, the Ontario Water Resources Act, the Pesticides Act or the Safe Drinking Water Act, 2002, as inspectors for the purpose of enforcing this act.

“Certificate of appointment

“(2) The minister shall issue to every inspector a certificate of appointment.

“Limitation on authority

“(3) The minister may, in the appointment of an inspector, limit the inspector’s authority in such manner as he or she considers necessary or advisable.”

Through you, Chair, to my colleague.

Ms. Lisa M. Thompson: This amendment would remove the reference to the registrar and instead require the minister to appoint inspectors. Again, just to reiterate very strongly, we have faith in our well-trained officers who are already in the enforcement branch at the Ministry of the Environment and Climate Change. We strongly believe enforcement under this proposed act should not be outsourced to a third-party group because we have the qualified officers already on staff. We know that the talented men and women are up to the job. We do not want the government to sideline these officers and create a whole new enforcement branch of waste cops to police recycling bins and garbage cans across the province.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mr. Percy Hatfield: Yes. I agree with what has just been stated by the opposition. I agree we have trained and qualified ministry inspectors whose expertise is very valuable. They should be retained in this section. We should not be contracting out their jobs.

The Acting Chair (Miss Monique Taylor): Anything further? Are members ready to vote?

Mr. Lorne Coe: Recorded vote, please, Chair.

The Acting Chair (Miss Monique Taylor): I’ve been asked for a recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 34.4.

1430

Mr. Lorne Coe: I move that subsection 47(2) of schedule 1 to the bill be struck out.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Simply, we do not want the authority to undertake enforcement. We want the ministry's officers to be responsible for the environment.

The Acting Chair (Miss Monique Taylor): Any further debate? The members will now be ready to vote?

Mr. Lorne Coe: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 34.5.

Mr. Lorne Coe: I move that subsection 47(3) of schedule 1 to the bill be amended by striking out "registrar" and substituting "minister".

To my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, we want the ministry's officers to be responsible for enforcement. We can't stress strongly enough that we do not want the authority to undertake enforcement.

The Acting Chair (Miss Monique Taylor): Further debate? The members are ready to vote?

Ms. Lisa M. Thompson: Can we have a recorded vote, please?

The Acting Chair (Miss Monique Taylor): A recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

We'll move to PC motion 34.6.

Mr. Lorne Coe: To my colleague, Chair.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: We'll withdraw this one.

The Acting Chair (Miss Monique Taylor): Okay. We'll move on to PC motion 34.7.

Ms. Lisa M. Thompson: We'll withdraw this one as well.

The Acting Chair (Miss Monique Taylor): Then we will move on to schedule 1—

The Clerk of the Committee (Mr. Katch Koch): We need to carry the section.

The Acting Chair (Miss Monique Taylor): Sorry. Yes, we need to carry that. Excellent.

Shall schedule 1, section 47, carry? I've heard a no.

All those in favour? All those opposed? Carried.

Schedule 1, section 48: NDP motion 35. Mr. Hatfield?

Mr. Percy Hatfield: Because of previous votes, I would like to withdraw this.

The Acting Chair (Miss Monique Taylor): PC motion 35.1.

Mr. Lorne Coe: I move that section 48 of schedule 1 to the bill be amended by striking out "section 45, 46 or 47" and substituting "section 45 or 46".

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would remove the requirement that inspectors must be employees of the authority.

The Acting Chair (Miss Monique Taylor): Any further debate on this?

Ms. Lisa M. Thompson: Can I have a recorded vote, please?

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Let's move on to PC motion 35.2.

Mr. Lorne Coe: I move that section 48 of schedule 1 to the bill be amended by adding the following subsection:

"Same, inspectors

"(2) A person shall not be appointed under section 47 unless he or she is a public servant employed under part III of the Public Service of Ontario Act, 2006."

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: This particular amendment would prevent the minister from allowing the authority to

outsource enforcement, and force government to let its own officers enforce the law.

My voice is going. Ahem.

Might I ask for a recorded vote, please?

The Acting Chair (Miss Monique Taylor): Yes. A recorded vote has been requested. Any further debate? A recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has been lost.

Shall schedule 1, section 48, carry? The motion is carried.

Schedule 1, section 49—

Interjection.

The Acting Chair (Miss Monique Taylor): Didn't we do it?

Schedule 1, section 48, carried.

Schedule 1, section 49, NDP motion: Mr. Hatfield.

Mr. Percy Hatfield: Madam Chair, because of the results of previous votes, I would like to withdraw this motion.

The Acting Chair (Miss Monique Taylor): Thank you.

Shall schedule 1, section 49, carry? Carried.

Okay. Schedule 1, section 50, PC motion 36.1.

Mr. Lorne Coe: I move that subparagraph 3 ii of subsection 50(2) of schedule 1 to the bill be amended by striking out "or any other act" at the end.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson?

Ms. Lisa M. Thompson: This amendment would remove part of one of the purposes of the registry, which is to provide any information under any other act. Requiring information to be posted under any other act goes beyond the purpose of the registry, so we would move this for support.

The Acting Chair (Miss Monique Taylor): Any further discussion? Members are ready to vote? All those in favour? All those opposed? The motion has lost.

PC motion 36.2.

Mr. Lorne Coe: I move that subsection 50(3) of schedule 1 to the bill be struck out and the following substituted:

"Organization, form

"(3) The registry shall be,

"(a) made accessible to the public; and

"(b) organized in a manner and kept in the form that the registrar may determine."

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson?

Ms. Lisa M. Thompson: Again, this amendment is all about increasing transparency and would allow consumers and taxpayers to understand the costs associated with the impacts of waste diversion policies. Thank you, and I'd ask for a recorded vote.

The Acting Chair (Miss Monique Taylor): Any further debate? Okay. Recorded vote.

Ayes

Coe, Hatfield, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 50, carry? Carried.

Schedule 1, section 51, has no changes. Shall it carry as is? Section 51 is carried.

Schedule 1, section 52, PC motion 36.3.

Mr. Lorne Coe: I move that section 52 of schedule 1 to the bill be amended by adding the following subsection:

"Commercially sensitive information

"(4) The registrar shall, in accordance with the regulations, ensure that commercially sensitive information is protected when the authority posts information on the registry."

And through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would ensure the registrar has a legal responsibility to protect commercially sensitive information that the authority posts on the registry because it's very important in the spirit of competitiveness of Ontario's industries to ensure that commercially sensitive information is not released.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: A recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Shall schedule 1, section 52, carry? Carried.

Schedule 1, section 53, government motion 37.

Mrs. Amrit Mangat: I move that subsection 53(1) of schedule 1 to the bill be amended by adding “including information collected under this act or under any other act” at the end.

The Acting Chair (Miss Monique Taylor): Thank you. Any discussion? Ms. Mangat.

Mrs. Amrit Mangat: Chair, this amendment proposed is intended to assist the government’s policy development and oversight in implementing the legislation, so I support this motion.

The Acting Chair (Miss Monique Taylor): Any further discussion? The members are ready to vote? All those in favour? All those opposed? The motion is carried.

Shall schedule 1, section 53, as amended, carry? Carried.

Schedule 1, section 54, PC motion 37.1: Mr. Coe.

Mr. Lorne Coe: I move that paragraph 2 of subsection 54(2) of schedule 1 to the bill be amended by striking out “or” at the end of subparagraph i, by adding “or” at the end of subparagraph ii and by adding the following subparagraph:

“iii. acted outside of its mandate or exercised powers it does not have.”

Through you to my colleague.

1440

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: If the minister appoints an administrator to assume control over the authority, this amendment would require the administrator to report if the authority has indeed acted outside of its mandate or exercised powers that it does not have.

The Acting Chair (Miss Monique Taylor): Any further debate? The members are ready to vote? All those in favour? All those opposed? The motion has lost.

Shall schedule 1, section 54, carry? Carried.

Okay, we can group some together here: schedule 1, section 55, section 56, section 57, section 58 and section 59. Are the members okay with grouping those together? Okay.

Shall schedule 1, section 55, section 56, section 57, section 58 and section 59 carry? Carried.

Schedule 1, section 60, PC motion 37.2.

Mr. Lorne Coe: I move that section 60 of schedule 1 to the bill be amended by adding the following subsection:

“Restriction

“(1.1) A regulation may not designate a class of materials unless,

“(a) the minister has prepared a report on the proposed designation that considers,

“(i) the economic benefits of designating the class of materials,

“(ii) the environmental benefits of designating the class of materials,

“(iii) the financial costs the designation will likely impose on brand holders, municipalities, consumers and taxpayers,

“(iv) the impact of similar designations in other provinces and territories;

“(b) the report has been published on the registry under the Environmental Bill of Rights, 1993 for public comment for a period of at least 10 days.”

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This is a critically important amendment and one that we sincerely hope that the government will approve. In fact, this amendment would require the government to follow much of the requirements in its own regulatory policy, which it more often than not fails to adhere to. But, set that aside, businesses, municipalities and taxpayers deserve to know what financial costs they will face as a result of regulations under this particular bill. With a focus on harmonization, we need to determine if these regulations will complement or conflict with similar policies with other Canadian jurisdictions.

Chair, this amendment just makes sense. It’s for the good of our province and hard-working taxpayers.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: A recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Shall schedule 1, section 60, carry? Carried.

Schedule 1, section 61, PC motion 37.3.

Mr. Lorne Coe: I move that paragraph 2 of subsection 61(1) of schedule 1 to the bill be struck out.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This is a particular amendment that I’m very interested in, given my background. I feel strongly that the government should not be meddling in the private sector. It’s not the role of government to tell any company how to design its packaging or its products. The minister, in particular, should never set prescriptive requirements that tie the hands of entrepreneurs or innovators.

Instead, the government should be setting desired outcomes and let the ingenuity of the private sector find the best way to achieve those outcomes. We’ve been very clear in this.

I would ask for a recorded vote, please.

The Acting Chair (Miss Monique Taylor): Any further debate?

Shall the motion carry? It's a recorded vote.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Government motion number 38. Ms. Mangat.

Mrs. Amrit Mangat: I move that paragraph 6 of subsection 61(1) of schedule 1 to the bill be struck out and the following substituted:

"6. Reporting, auditing and record keeping, as described in section 72."

Chair, I think there are a number of responsibilities that the government could require a producer to meet. This is in regard with that recommendation. I support this motion.

The Acting Chair (Miss Monique Taylor): Any further debate?

Mr. Percy Hatfield: Recorded vote.

Ayes

Dhillon, Fraser, Hatfield, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion carries.

Government motion 39.

Mrs. Amrit Mangat: I move that subsections 61(3), (4) and (5) of schedule 1 to the bill be struck out and the following substituted:

"Commercial connection

"(3) For the purposes of subsection (2), a person who has a commercial connection to a product in a designated class means a person who,

"(a) imports, wholesales, leases or retails the product, or is otherwise involved in the product's distribution; or

"(b) meets the prescribed conditions.

"Same, determination

"(4) For the purposes of subsections (1) and (2), the regulations may specify a person or may set out a method for determining who the person is.

"Exclusion, person providing services

"(5) A person does not have a commercial connection to a product by virtue only of the fact that the person provides services to someone who is required to carry out responsibilities under this part in respect of the product.

"Limitation

"(6) A regulation shall not require a person mentioned in subsection (1) or (2) to carry out responsibilities under this part in respect of material in a designated class unless,

"(a) the person is the brand holder of a product in the class that is marketed to a consumer in Ontario, including through the Internet, using a catalogue order system, using a telephone order system, or by a similar remote sales method;

"(b) the person markets a product in the class to a consumer in Ontario, including through the Internet, using a catalogue order system, using a telephone order system, or by a similar remote sales method; or

"(c) the person satisfies the prescribed criteria."

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further debate? All those in favour? Unanimous. Carried.

Shall schedule 1, section 61, as amended, carry? Carried.

Schedule 1, section 62, government motion 40.

Mrs. Amrit Mangat: I move that clause 62(1)(c) of schedule 1 to the bill be amended by striking out "the person first uses transport packaging in the class" and substituting "the person first causes transport packaging in the class to be used".

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: Yes. The proposed legislation sets up a producer responsibility approach that makes producers responsible for the end-of-life management of the products and packaging they put into Ontario's markets. That's why I'm supporting this clause.

The Acting Chair (Miss Monique Taylor): Any further debate? All those in favour? All those opposed? Carried.

Shall schedule 1, section 62, as amended, carry? Carried.

Schedule 1, section 33, PC motion 40.1.

Ms. Lisa M. Thompson: Actually, there's motion 26.14—26.4, sorry.

Miss Monique Taylor: Okay. We're going to go back to section 62. One moment, please, until we get the numbers together. It's an add-in.

PC motion 26.4—

Ms. Lisa M. Thompson: Yes, correct.

The Acting Chair (Miss Monique Taylor): —was stood down. Ms. Thompson.

Ms. Lisa M. Thompson: We'll withdraw it.

The Acting Chair (Miss Monique Taylor): Withdraw? Thank you. Then we can move ahead to PC motion 40.1.

Ms. Lisa M. Thompson: We'll withdraw that as well.

The Acting Chair (Miss Monique Taylor): Withdraw. Okay. Shall schedule 1, section 63, carry? Carried. Schedule 1, section 64, PC motion 40.2.

Ms. Lisa M. Thompson: We withdraw.

The Acting Chair (Miss Monique Taylor): Withdraw. Government motion 41.

1450

Mrs. Amrit Mangat: I move that paragraph 3 of section 64 of schedule 1 to the bill be struck out and the following substituted:

“3. Reporting, auditing and record keeping, as described in section 72.”

I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further debate? All those in favour? All those opposed? Carried.

PC motion 41.1.

Mr. Lorne Coe: I move that section 64 of schedule 1 to the bill be amended by adding the following subsection:

“No other responsibilities

“(2) For greater certainty, persons referred to in subsection (1) are not required to carry out any responsibilities under this part other than those listed in subsection (1).”

Through you, Chair, to my colleague.

Ms. Lisa M. Thompson: The addition of this new subsection to 64 would ensure that the government can only require companies that are not grant holders to register, keep records, report and promote waste diversion.

The Acting Chair (Miss Monique Taylor): Any debate? Are the members ready to vote? All those in favour? All those opposed? The motion is lost.

Shall schedule 1, section 64, as amended, carry? Carried.

Schedule 1, section 65: PC motion 41.2.

Mr. Lorne Coe: I move that section 65 of schedule 1 to the bill be amended by adding the following subsection:

“No duplication

“(2) The minister shall ensure that the activities of persons who are carrying out a responsibility under this part in respect of the same product do not duplicate each other.”

Through you to my colleague.

Ms. Lisa M. Thompson: With every new layer of red tape, Ontario industries become increasingly burdened and uncompetitive. We can't continue to let this happen. We've seen all along how this government regulates. It sets new rules that conflict with programs and rules that other ministries have.

This particular amendment would ensure that the responsibility of companies to divert waste does not duplicate each other. We need to be preventative in this regard and have a preventative action to ensure that government does not create unnecessary regulatory burden.

The Acting Chair (Miss Monique Taylor): Thank you very much. Any further debate? All those in favour?

Ms. Lisa M. Thompson: Can I have a recorded vote, please?

The Acting Chair (Miss Monique Taylor): Recorded vote request.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 65, carry? Carried.

Schedule 1, section 66: PC motion 41.3.

Mr. Lorne Coe: Withdraw, please, Chair.

The Acting Chair (Miss Monique Taylor): Withdrawn. PC motion 41.4.

Mr. Lorne Coe: We'll stand down until we vote on section 67, please, through you, Chair.

The Acting Chair (Miss Monique Taylor): Unanimous consent to stand down? Everybody's fine with that? Okay, then we'll move on to government motion 42.

Mrs. Amrit Mangat: I move that paragraphs 2, 3 and 4 of subsection 66(2) of schedule 1 to the bill be struck out and the following substituted:

“2. A description of how the person is fulfilling or plans to fulfill the person's responsibilities under this part.

“3. The name of anyone the person retains to arrange for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to the person's responsibilities under this part and a description of the arrangements that person is retained to provide.

“4. The name of anyone the person retains to operate a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to the person's responsibilities under this part and a description of the services that person is retained to provide.

“5. Other information in respect of activities the person engages in that affect resource recovery or waste management in Ontario.”

The Acting Chair (Miss Monique Taylor): Thank you. Any debate?

Mrs. Amrit Mangat: This proposed legislation sets out the list of obligations—

The Acting Chair (Miss Monique Taylor): Sorry, Ms. Mangat, I just have to interrupt. Reread paragraph 5, please.

Mrs. Amrit Mangat: Okay.

“5. Other information in respect of activities the person engages in that affect resource recovery or waste reduction in Ontario.”

The Acting Chair (Miss Monique Taylor): Thank you very much. You can go ahead with your debate.

Mrs. Amrit Mangat: Chair, this proposed legislation sets out a list of obligations that producers may be required to meet. That's why I'm supporting this.

The Acting Chair (Miss Monique Taylor): Any further debate? All those in favour? All those opposed? The motion is carried.

Government motion number 43.

Mrs. Amrit Mangat: I move that subsection 66(4) of schedule 1 to the bill be amended by adding the following paragraphs:

“3. The name of anyone the person retains to arrange for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this part and a description of the arrangements that person is retained to provide.

“4. The name of anyone the person retains to operate a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this part and a description of the services that person is retained to provide.

“5. The name of anyone who retains the person in respect of responsibilities under this part and a description of the services the person is retained to provide.”

Chair, I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you very much. Any further debate? All those in favour? All those opposed? Motion carried.

So we’re going to go back to PC motion 41.4—

Interjections.

The Acting Chair (Miss Monique Taylor): Okay, so we’ll leave that for now, and we’ll move on to schedule 1, section 67: PC motion 43.1.

Mr. Lorne Coe: Through you, Chair, we’ll withdraw.

Mrs. Amrit Mangat: Chair?

The Acting Chair (Miss Monique Taylor): Yes, Ms. Mangat?

Mrs. Amrit Mangat: I think we tied your motion 24.6 with 67, right?

Ms. Lisa M. Thompson: We’re not quite there yet.

Mrs. Amrit Mangat: Oh, okay.

The Acting Chair (Miss Monique Taylor): We’ll move on to PC motion 43.2.

Mr. Lorne Coe: I move that subsection 67(2) of schedule 1 to the bill be amended by adding the following paragraph:

“3. The regulation must be consistent with the Consumer Packaging and Labelling Act (Canada).”

Through you to my colleague. Thank you.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, coming from a background of processing, particularly milk, I can’t stress enough how important food safety is. Food packaging is federally regulated by the CFIA, the Canadian Food Inspection Agency. Its mandate is to ensure that food sold in Canada is safe for Canadians.

I question, Chair, how the Liberals are going to work out regulatory overlap, duplication and conflicts with federal rules concerning food safety when they attempt to

regulate the design of products and packaging. I think the straight-up answer is they just don’t know, and that’s why we need this particular amendment to pass.

Just to revisit, this amendment would require that any regulations that the government establishes to control the design and packaging must be consistent with the federal Consumer Packaging and Labelling Act.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote is requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has lost.

We’ll move on to government motion 44.

Mrs. Amrit Mangat: I move that subsection 67(2) of schedule 1 to the bill be struck out and the following substituted:

“Limitation

“(2) The following limitations apply to a regulation under subsection (1):

“1. A person’s responsibility for reducing waste applies only in respect of the material with which the person is associated within a designated class.

“2. A person shall not be prescribed as being responsible for reducing waste unless the person,

“i. is a brand holder of a product,

“ii. supplies convenience packaging that displays a brand the person holds, or

“iii. causes the use of transport packaging that displays a brand the person holds.”

1500

The Acting Chair (Miss Monique Taylor): Any further discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? All those opposed? The motion is carried.

PC motion 44.1: Mr. Coe.

Mr. Lorne Coe: I move that subsection 67(3) of schedule 1 to the bill be amended by striking out “take steps to design material” in the portion before clause (a) and substituting “consider designing material”.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: I think this is a thoughtful amendment in that this amendment would allow the minister to require companies to consider a different design of their materials, rather than to take steps to

design their materials in particular. Again, I feel really strongly, and I know the PC Party of Ontario does as well, that the government in no way should be meddling with the private sector in this regard. It's not the role of government to tell any company how to design its products or packaging.

We need to make sure we're not burdening the shoulders of our innovators, and, rather, set our desired outcomes and step aside and let them innovate to achieve those particular desired outcomes. The minister should not be setting prescriptive requirements that tie the hands of entrepreneurs and innovators.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote is requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

We move on to PC motion 44.2. Mr. Coe.

Mr. Lorne Coe: I move that subsection 67(3) of schedule 1 to the bill be struck out.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would strike out 67(3) altogether, which is the government's power to regulate the design of products and packaging. You don't know the expense and the red tape that this will burden our innovators, entrepreneurs and businesses with. In no way should government be meddling with the private sector in this regard. Instead, we should be focused, as a government, as collective legislators, in setting desired outcomes, and letting the ingenuity of our marketplace and our private sector find the best way to achieve those outcomes.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote.

The Acting Chair (Miss Monique Taylor): A recorded vote is requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

PC motion 44.3: Mr. Coe.

Mr. Lorne Coe: I move that section 67 of schedule 1 to the bill be struck out and the following substituted:

"Responsibility to reduce waste

"67.(1) The minister may issue a policy statement to encourage a person mentioned in section 61 or 62 to reduce the amount of waste generated in connection with material in a designated class at the end of the material's life in accordance with the policy statement.

"Limitation

"(2) The following limitations apply to a policy statement under subsection (1):

"1. A person shall not be issued a policy statement unless the person,

"i. is the brand holder of a product in a designated class, or

"ii. supplies convenience packaging or transport packaging that displays a brand the person holds.

"2. A person can only be issued a policy statement in respect of the material with which the person is associated within a designated class.

"Design of product and packaging

"(3) Without limiting the generality of subsection (1), a policy statement may encourage a person with a waste reduction responsibility in respect of a designated class to consider designing material in the class so as to,

"(a) increase the material's reusability and recyclability;

"(b) reduce or eliminate any impact the material may have on the recyclability of other materials in the class;

"(c) reduce the amount of waste generated at the end of the product's or packaging's life;

"(d) reduce or eliminate the use of any substance in the material; or

"(e) increase the use of recovered resources in the making of the material."

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: I think it has become abundantly clear that we have significant problems with section 67. We would prefer to see it completely struck from this bill, but if the government continues to insist on trying to regulate the design of products and packaging, this particular amendment instead would see the minister in a position to issue a policy statement to encourage the reduction of waste connected with designed material.

Again, just to be very clear, we would prefer to see section 67 completely struck from this bill, but if this government is intent on moving forward—we don't want to burden our innovators and the folks who provide the jobs on the street with an unnecessary regulatory burden. It would allow this government to utilize what they've put in place with this particular bill: policy statements to encourage the reduction of waste associated with designed material.

We're trying to work within the framework that they've already established here. I think it would bode well to support this particular amendment, showing that we're more interested in the outcomes and that we favour freeing up the hands of our small businesses, processors and entrepreneurs to innovate to meet the desired outcomes.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield.

Mr. Percy Hatfield: Chair, through you, just for clarification, I thought I heard the member say that it was a policy statement she favoured.

Ms. Lisa M. Thompson: Yes, I will clarify that. Last week we clearly objected to the use of policy statements; right? In this regard, we're noting that if section 67 goes through as the government intends, it's going to be very burdensome. It could throw off the harmonization of product development and design across Canada in terms of packaging and, as I mentioned, product design.

Given that policy statements are already passed and in place, instead of being so heavy-handed with section 67, this government might consider issuing one of the already-voted-for and supported government concepts of policy statements so that the minister could encourage people to adopt their product design and packaging via a policy statement that's already approved. It's the lesser of the two evils, if you will.

Mr. Percy Hatfield: Thank you for that clarification.

The Acting Chair (Miss Monique Taylor): Any further debate? Are members ready to vote? All those in favour?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): Recorded vote.

Ms. Lisa M. Thompson: Sorry.

The Acting Chair (Miss Monique Taylor): That's okay.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has been lost.

PC motion 44.4.

Ms. Lisa M. Thompson: We'll withdraw that, Chair.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 67, as amended, carry? The section has been carried.

We're going to backtrack to some motions that have been stood down, if you will just bear with us for a moment, please.

We'll start with 18.1. It's a PC motion.

Ms. Lisa M. Thompson: We're going to withdraw that.

The Acting Chair (Miss Monique Taylor): Okay, it's withdrawn.

We'll now need to vote on schedule 1, section 10.

1510

The Clerk of the Committee (Mr. Katch Koch): As amended.

The Acting Chair (Miss Monique Taylor): It's not amended.

The Clerk of the Committee (Mr. Katch Koch): That's later. It's not part of section 10.

The Acting Chair (Miss Monique Taylor): Okay. So schedule 1, section 10: Shall it carry, as amended? Carried.

It's all right. You're a genius, Katch. We'll wait for you.

He is a genius, this man—how he keeps up.

So 24.6—

Ms. Lisa M. Thompson: We'll withdraw.

The Acting Chair (Miss Monique Taylor): —has been withdrawn.

Does schedule 1, section 12, as amended, carry? Carried.

The government had one in there, so I figured that one carried. Yes, so they just carried, as amended.

PC motion 26.5.

Ms. Lisa M. Thompson: We withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 17, as amended, carry? Carried.

So that's today's, and then we're done.

PC motion 41.4.

Ms. Lisa M. Thompson: Withdraw.

The Acting Chair (Miss Monique Taylor): That's withdrawn.

So shall schedule 1, section 66, as amended, carry? Carried.

Now we're caught up. Good stuff. We're on a roll, folks.

Schedule 1, section 68, PC motion 44.5: Ms. Thompson?

Ms. Lisa M. Thompson: We'll withdraw, please.

The Acting Chair (Miss Monique Taylor): Withdrawn.

Government motion number 45.

Mrs. Amrit Mangat: I move that subsection 68(3) of schedule 1 to the bill be amended by striking out "the system does not impose a charge" and substituting "no charge is imposed".

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: Yes, Chair. This amendment is to ensure that consumers can participate. So I support this motion.

The Acting Chair (Miss Monique Taylor): Any further debate? The members are ready to vote? All in favour? All those opposed? The motion is carried.

Shall schedule 1, section 68, as amended, carry? Motion carried.

Schedule 1, section 69, PC motion 45.1: Ms. Thompson?

Ms. Lisa M. Thompson: We withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

NDP motion number 46: Mr. Hatfield?

Mr. Percy Hatfield: I move that subclause 69(2)(a)(i) of schedule 1 to the bill be struck out and the following substituted:

“(i) reused,”

The Acting Chair (Miss Monique Taylor): Any debate?

Mrs. Amrit Mangat: I favour it.

The Acting Chair (Miss Monique Taylor): All those in favour? All those opposed? Motion carried.

NDP motion number 47.

Mr. Percy Hatfield: I move that section 69 of schedule 1 to the bill be amended by adding the following subsection:

“Same, disposal

“(2.1) A regulation made for the purposes of subsection (1) shall provide that,

“(a) a person responsible for managing material is required to dispose of any portion of the material that is not reused or recycled; and

“(b) the disposal must not, unless necessary, involve the removal of the material from Ontario.”

The Acting Chair (Miss Monique Taylor): Any debate? No? The members are ready to vote? All those in favour? All those opposed? The motion is lost.

Shall schedule 1, section 69, as amended, carry? Carried.

Schedule 1, section 70. PC motion 47.1.

Mr. Lorne Coe: Withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Withdraw. Thank you, Mr. Coe.

Shall schedule 1, section 70—oh, we can group it with section 71, if it's okay with the members. Okay.

Shall schedule 1, sections 70 and 71, carry? Carried.

Schedule 1, section 72. PC motion 47.2.

Mr. Lorne Coe: Withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Withdraw. Thank you.

PC motion 47.3.

Mr. Lorne Coe: Withdraw, Chair.

The Acting Chair (Miss Monique Taylor): Thank you.

Government motion number 48.

Mrs. Amrit Mangat: I move that the French version of subsection 72(3) of schedule 1 to the bill be amended by striking out “l'évaluation” and substituting “la vérification”.

This motion is necessary, Chair, to ensure consistency between the English version of that and the French version of that, so I support this motion.

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Carried unanimously.

PC motion 48.1.

Mr. Lorne Coe: I move that section 72 of schedule 1 to the bill be amended by adding the following subsection:

“Commercially sensitive information

“(4.1) The authority shall, in accordance with the regulations, ensure that any commercially sensitive information that is in the report referred to in subsection (4) is protected.”

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: Well, Chair, I would hope that the vote for this is unanimous as well because, clearly, it's very important to the whole competitive nature of Ontario's industry to ensure that commercially sensitive information is not released. It's a good amendment.

The Acting Chair (Miss Monique Taylor): Any further debate?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

Shall schedule 1, section 72, as amended, carry? Carried.

Schedule 1, section 73, government motion number 49.

Mrs. Amrit Mangat: I move that section 73 of schedule 1 to the bill be amended by adding “and a person who is required by a regulation made under this part to refrain from doing a thing shall refrain from doing it” at the end.

This amendment is about making compliance and enforcement more robust, so I support it.

The Acting Chair (Miss Monique Taylor): Any further debate? Mr. Hatfield.

Mr. Percy Hatfield: Could I just ask the government side to give me a more complete explanation of this, please?

The Acting Chair (Miss Monique Taylor): Ms. Mangat?

1520

Mrs. Amrit Mangat: This motion is to clarify that the regulation may also prohibit persons from engaging in prohibited activities related to this act and that carrying out the prohibited activity would be a breach of this regulation. That's why we are supporting it.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield, are you okay?

Mr. Percy Hatfield: Thank you.

The Acting Chair (Miss Monique Taylor): Okay.

All those in favour? All those opposed? Motion carried.

Shall schedule 1, section 73, as amended, carry? Carried.

Schedule 1, section 74: PC motion 49.1.

Mr. Lorne Coe: Through you, Chair, withdraw.

The Acting Chair (Miss Monique Taylor): Thank you. Government motion 50.

Mrs. Amrit Mangat: I move that section 74 of schedule 1 to the bill be struck out and the following substituted:

“Requirements for agreements

“74(1) This section applies to the following persons:

“1. A person mentioned in section 61 or 62 who is required to carry out responsibilities under section 68 or 69.

“2. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this act.

“3. A person who operates a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act and provides services in relation to another person’s responsibilities under this part.

“Same

“(2) A person to whom this section applies shall ensure that any agreement to which the person is a party related to the provision of services by a person described in paragraph 2 or 3 of subsection (1) contains provisions requiring the parties to submit to arbitration any dispute that has arisen or may arise between them that cannot be or has not been resolved through mediation.”

The Acting Chair (Miss Monique Taylor): Ms. Mangat, can you please repeat number 2?

Mrs. Amrit Mangat: Of 74?

The Acting Chair (Miss Monique Taylor): Of 74.

Mrs. Amrit Mangat: Okay, thank you.

“2. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person’s responsibilities under this part.”

The Acting Chair (Miss Monique Taylor): Thank you very much.

Mrs. Amrit Mangat: I support this motion.

The Acting Chair (Miss Monique Taylor): Thank you. Any further discussion? Mr. Hatfield.

Mr. Percy Hatfield: I support it, as well.

The Acting Chair (Miss Monique Taylor): Thank you, Mr. Hatfield. Yes, Ms. Thompson?

Ms. Lisa M. Thompson: For the record, the PCs do, as well.

The Acting Chair (Miss Monique Taylor): Very good, excellent. All those in favour? Unanimous. It’s passed.

Shall schedule 1, section 74, as amended, carry? Carried.

Schedule 1, section 75: Government motion 51.

Mrs. Amrit Mangat: I move that the heading before subsection 75(1) of schedule 1 to the bill and subsection 75(1) be struck out and the following substituted:

“Prohibition on Marketing Prescribed Material

“Prohibition on marketing prescribed material

“75(1) No person shall market material in a designated class to a person in Ontario if the material has been prescribed for the purposes of this section.”

The Acting Chair (Miss Monique Taylor): Thank you. Discussion?

Mrs. Amrit Mangat: Chair, this motion broadens the scope of enforcement of the new producer responsibility model, so I support this.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: For the record, the PC Party of Ontario supports this motion.

The Acting Chair (Miss Monique Taylor): Mr. Hatfield.

Mr. Percy Hatfield: Why, thank you, Chair. It gives me ample opportunity at this time to expound on this. I would just like to say that I support it, as well.

The Acting Chair (Miss Monique Taylor): Thank you, Mr. Hatfield.

All those in favour? Carried unanimously.

Shall schedule 1, section 75, as amended, carry? Carried.

There are no changes to section 76. Shall section 76 carry? Carried.

Schedule 1, section 77: NDP motion 52.

Mr. Percy Hatfield: Because we’re all in the spirit of co-operation and moving right along, I shall withdraw this motion.

Ms. Lisa M. Thompson: We were going to support that.

Mr. Percy Hatfield: The other stuff that we voted on earlier puts it out of order.

Ms. Lisa M. Thompson: Fair enough, fair enough.

The Acting Chair (Miss Monique Taylor): So that’s withdrawn.

Government motion number 53.

Mrs. Amrit Mangat: I move that section 77 of schedule 1 to the bill be amended by adding the following subsection:

“Provincial offences officers

“(2) For greater certainty, nothing in subsection (1) affects the designation of provincial offences officers under subsection 1(3) of the Provincial Offences Act.”

Interjection.

Mrs. Amrit Mangat: Sorry. We withdraw it.

The Acting Chair (Miss Monique Taylor): Okay, withdrawn.

Shall schedule 1, section 77, carry as is? Carried.

Schedule 1, new section 77.1, NDP motion number 54: Mr. Hatfield.

Mr. Percy Hatfield: Because the Liberals withdrew the last one, I'll withdraw this one.

The Acting Chair (Miss Monique Taylor): Thank you very much.

Shall schedule 1, section 77.1, as amended, carry—no? One moment, please.

Interjection.

The Acting Chair (Miss Monique Taylor): That whole section is withdrawn. Okay, committee?

We're moving on to schedule 1, section 78, government motion number 55.

Mrs. Amrit Mangat: I move that clause 78(2)(b) of schedule 1 to the bill be struck out and the following substituted:

“(b) a person who arranges for the establishment or operation of a waste disposal site or waste management site within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this part; or”

The Acting Chair (Miss Monique Taylor): Sorry, you're going to have read it again, Ms. Mangat.

Mrs. Amrit Mangat: All of it?

The Acting Chair (Miss Monique Taylor): Yes, please.

Mrs. Amrit Mangat: I move that clause 78(2)(b) of schedule 1 to the bill be struck out and the following substituted:

“(b) a person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this part; or”

The Acting Chair (Miss Monique Taylor): Thank you very much. Any discussion? All those in favour? Unanimous. Carried.

Shall schedule 1, section 78, as amended, carry? Carried.

Schedule 1, section 79, government motion number 56.

Mrs. Amrit Mangat: I move that paragraph 2 of subsection 79(1) of schedule 1 to the bill be struck out and the following substituted:

“2. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this part.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? Carried unanimously.

Shall schedule 1, section 79, as amended, carry? Carried.

We're going to group a bunch together. Is it okay if we group them together? Everybody's happy with that? Okay.

Schedule 1, section 80, section 81, section 82, section 83, section 84 and section 85: Shall they carry? Carried.

Schedule 1, section 86, government motion number 57.

Mrs. Amrit Mangat: I move that clause 86(3)(a) of schedule 1 to the bill be struck out and the following substituted:

“(a) remedying a contravention of part III or IV of this act or the regulations made in respect of those parts;”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you. All those in favour?

Mr. Percy Hatfield: I had a question.

The Acting Chair (Miss Monique Taylor): Sorry, Mr. Hatfield. Please go ahead.

Mr. Percy Hatfield: I very well may support it as well, but I just want to hear the reason why it's here.

1530

Mrs. Amrit Mangat: The motion clarifies that compliance orders can only be issued by the resource productivity and recovery authority to remedy a contravention related to the producer responsibility approach.

The Acting Chair (Miss Monique Taylor): Okay?

Mr. Percy Hatfield: Thank you.

The Acting Chair (Miss Monique Taylor): All in favour? Carried unanimously.

Shall schedule 1, section 86, as amended, carry? Carried. Thank you.

Schedule 1, section 87, NDP motion number 58: Mr. Hatfield.

Mr. Percy Hatfield: Thank you, but I believe, because of the decisions made earlier on previous motions, that this motion will be withdrawn.

The Acting Chair (Miss Monique Taylor): Okay, withdrawn.

Shall schedule 1, section 87, as is, carry? Carried. Excellent.

Section 88 has no changes. Shall schedule 1, section 88, carry? Carried. Thank you.

Schedule 1, section 89, NDP motion: Mr. Hatfield.

Mr. Percy Hatfield: As I've stated previously, Chair, we tried something earlier that didn't pass, and therefore the subsequent clauses are to be withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you.

Government motion number 60.

Mrs. Amrit Mangat: I move that subsections 89(1), (2) and (3) of schedule 1 to the bill be struck out and the following substituted

“Administrative penalties

“(1) An administrative penalty may be imposed under this section for one or more of the following purposes:

“1. To ensure compliance with this act and the regulations.

“2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this act or of the regulations.

“Order by registrar or deputy registrar

“(2) The registrar or a deputy registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the authority if the registrar or deputy registrar is of the opinion that the person has contravened,

“(a) subsection 41(5),

“(b) a requirement under subsection 50(4) to file information, reports, records or documents that are complete and accurate,

“(c) subsection 68(3),

“(d) subsection 71(1)”—

The Acting Chair (Miss Monique Taylor): Oh. Sorry, Ms. Mangat, can you please repeat that?

Mrs. Amrit Mangat: Which one?

The Acting Chair (Miss Monique Taylor): Number (d).

Mrs. Amrit Mangat: “(d) subsection 71(1)”—

The Acting Chair (Miss Monique Taylor): Okay, hold on. We have a discrepancy. We have “subsection 75(1).”

Mrs. Amrit Mangat: “(d) subsection 75(1);”—

The Acting Chair (Miss Monique Taylor): Thank you.

Mrs. Amrit Mangat: Yes. That’s what I said.

“(e) section 79; or

“(f) a provision of this act or of the regulations that is prescribed for the purposes of this section.

“Same

“(3) An order may be issued under subsection (2),

“(a) to a person required to pay a fee under subsection 41(5);

“(b) to a person required under part IV to carry out a responsibility under that part;

“(c) to a person who fails to respond to an inquiry made under section 79;

“(d) to a person prohibited from marketing a product under subsection 75(1); or

“(e) to a prescribed person.”

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Mangat. Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? Carried unanimously.

NDP motion number 61: Mr. Hatfield.

Mr. Percy Hatfield: Not to be repetitive, but I withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

NDP motion number 62.

Mr. Percy Hatfield: I move that section 89 of schedule 1 to the bill be amended by adding the following subsection:

“Municipal cost recovery

“(6.1) The authority shall use administrative penalties collected under this section to compensate municipalities for costs incurred by them as a result of this act or any instrument made under it.”

The Acting Chair (Miss Monique Taylor): Thank you. Discussion?

Mr. Percy Hatfield: I believe that we have all heard the presentations by the Association of Municipalities of Ontario. I know they are represented in the audience here this afternoon. We have talked at length at various times during the hearings on this bill about the subsidy that municipalities have to pay towards the cost of the blue box/red box recycling system.

It is the feeling of AMO, and indeed the feeling within the New Democratic Party, that the municipal tax base should not be used to subsidize producer responsibility. Without this section, the government would be saying to the municipalities, “We listened to you, but we didn’t really hear you, because we’re still going to make you subsidize the cost of producer responsibility.”

This section means that the authority would use any of the penalties that are collected, any of the money that comes in, to give back to the municipalities so that they don’t have to raise municipal taxes for the extra cost that they incur by providing this service for the producers. If it’s producer responsibility, the producer should pay the full cost to the municipal tax base for doing this service on their behalf.

The Acting Chair (Miss Monique Taylor): Any further discussion?

Mr. Percy Hatfield: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): Recorded vote is requested.

Ayes

Hatfield.

Nays

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Thompson.

The Acting Chair (Miss Monique Taylor): The motion has lost.

Shall schedule 1, section 89, as amended, carry? Carried.

Schedule 1, section 90, NDP motion number 63: Mr. Hatfield.

Mr. Percy Hatfield: I’m still trying to recover from the last vote, Chair. I don’t know if my heart will take it. But just in case it won’t, I’ll withdraw this one.

The Acting Chair (Miss Monique Taylor): Thank you very much.

Shall schedule 1, section 90, carry? Carried.

Schedule 1, section 91, NDP motion number 64: Mr. Hatfield.

Mr. Percy Hatfield: Chair, I’m going to withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

Shall schedule 1, section 91, carry? Carried.

Schedule 1, section 92, government motion number 65.

Mrs. Amrit Mangat: I move that section 92 of schedule 1 to the bill be amended by adding “for a reason described in subsection 100(4)” after “was not effective”.

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support it.

The Acting Chair (Miss Monique Taylor): Thank you. All those in favour? Carried unanimously.

Shall schedule 1, section 92, as amended, carry? Carried.

We can group a few together. We can group from 93 to—oh, just 93 and 94. Okay?

Shall schedule 1, section 93 and section 94, carry? Carried.

Schedule 1, section 95, NDP motion number 66: Mr. Hatfield.

Mr. Percy Hatfield: This motion is withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you. Shall schedule 1, section 95, carry? Carried.

Can we group 96 and 97 together? Everybody's fine with that?

Shall schedule 1, section 96 and section 97, carry? Carried.

Schedule 1, section 98, NDP motion number 67: Mr. Hatfield.

Mr. Percy Hatfield: In order to give all the people in the committee this afternoon with an open mind another opportunity, I move that section 98 of schedule 1 to the bill be amended by adding the following subsection:

“Municipal cost recovery

“(9.1) Fines collected in relation to convictions for offences referred to in subsection (1) shall be used to compensate municipalities for costs incurred by them as a result of this act or any instrument made under it.”

The Acting Chair (Miss Monique Taylor): Thank you, Mr. Hatfield. Committee members, I am ruling this motion out of order as, in my opinion, the motion before the committee can be characterized as a money bill motion. Pursuant to standing order 57, any motion that proposes to direct the allocation of public funds shall be proposed only by a minister of the crown.

1540

Mr. Percy Hatfield: I'm shattered. Shattered.

The Acting Chair (Miss Monique Taylor): Sorry, Mr. Hatfield.

So that is gone, and we will move on to government motion 68.

Mrs. Amrit Mangat: I move that subsections 98(12) and (13) of schedule 1 to the bill be struck out and the following substituted:

“Limitation

“(12) A proceeding under this section shall not be commenced more than two years after the day on which evidence of the offence first came to the attention of a provincial offences officer designated under the Provincial Offences Act.”

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? Carried unanimously.

Shall schedule 1, section 98, as amended, carry? Carried.

Schedule 1, section 99, NDP motion number 69.

Mr. Percy Hatfield: This motion is withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you.

Government motion number 70.

Mrs. Amrit Mangat: I move that subsection 99(5) of schedule 1 to the bill be amended by striking out “subsections 98(6) to (10)” and substituting “subsections 98(6) to (12)”.

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Motion carried.

Shall schedule 1, section 99, as amended, carry? Carried.

Schedule 1, section 100, government motion number 71.

Mrs. Amrit Mangat: I move that subsection 100(4) of schedule 1 to the bill be amended by striking out “accident or illness” at the end and substituting “accident, disability or illness.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: I support this.

The Acting Chair (Miss Monique Taylor): All those in favour? Carried unanimously.

Shall schedule 1, section 100, as amended, carry? Carried.

Schedule 1, section 101, NDP motion number 72.

Mr. Percy Hatfield: As stated previously, because of decisions made at earlier clauses, this motion is withdrawn.

The Acting Chair (Miss Monique Taylor): Thank you.

Shall schedule 1, section 101, carry? Carried.

Schedule 1, section 102: Shall it carry? Carried.

Schedule 1, section 103, PC motion 72.1.

Mr. Lorne Coe: I move that section 103 of schedule 1 to the bill be amended by adding the following subsection:

“Limitation on regulations

“(1.1) A regulation may not be made under this act unless,

“(a) the minister has prepared a report on the proposed regulation that considers,

“(i) the economic benefits of the regulation,

“(ii) the environmental benefits of the regulation,

“(iii) the financial costs the regulation will likely impose on brand holders, municipalities, consumers and taxpayers,

“(iv) the impact of similar regulations in other provinces and territories; and

“(b) the report has been published on the registry under the Environmental Bill of Rights, 1993 for public comment for a period of at least 10 days.”

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: This is a critically important amendment, because it would require the government to conduct a cost-benefit assessment of each of the regulations. Businesses and taxpayers alike in Ontario expect the government to consider the impacts of regulations automatically, but with this Liberal government we've seen that that hasn't always been the case. So this amendment would correct it, and again, it would in fact require the government to follow much of the requirements in its own regulatory policy, which it more often than not fails to adhere to.

Chair, this amendment makes sense. It's good for our province and hard-working taxpayers, and the government should set politics aside and do the right thing by supporting this particular amendment.

I'd ask for a recorded vote.

The Acting Chair (Miss Monique Taylor): Any further discussion? A recorded vote has been requested.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion is lost.

We move on to PC motion 72.2. Mr. Coe.

Mr. Lorne Coe: I move that subsection 103(2) of schedule 1 to the bill be struck out.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: Chair, a key part of the discussion with regard to waste diversion policy has been the need for harmonization. We all have recognized, actually, in speaking with stakeholders and looking at all aspects of this particular bill, the need to have consistent rules across the province. However, this subsection, if it stands unamended, will allow the government to have different regulations for different areas in Ontario. It has the potential to create a regulatory nightmare for brand holders and waste management companies, which are working hard to increase recycling rates. We believe that this subsection should be removed from the bill because of that.

The Acting Chair (Miss Monique Taylor): Any further discussion? A recorded vote?

Ms. Lisa M. Thompson: Sure, yes.

Ayes

Coe, Thompson.

Nays

Dhillon, Fraser, Mangat, McGarry, Rinaldi.

The Acting Chair (Miss Monique Taylor): The motion has been lost.

Motion number 73: NDP, Mr. Hatfield.

Mr. Percy Hatfield: Before I speak to this motion, I must ask legislative counsel or the Clerk to advise me of what we did with motion 1.1. Did we establish the municipal advisory body?

The Clerk of the Committee (Mr. Katch Koch): It was lost.

Mr. Percy Hatfield: It was lost.

The Clerk of the Committee (Mr. Katch Koch): It was defeated.

Mr. Percy Hatfield: Since it was lost, I will withdraw this motion.

The Acting Chair (Miss Monique Taylor): Thank you very much. Shall schedule 1, section 103, carry? Carried.

Schedule 1, section 104, PC motion 73.1: Mr. Coe.

Mr. Lorne Coe: Through you, Chair, we will withdraw.

The Acting Chair (Miss Monique Taylor): PC motion 73.2.

Mr. Lorne Coe: Through you, Chair, we will withdraw.

The Acting Chair (Miss Monique Taylor): Motion 73.3.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Motion 73.4.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): And 73.5.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 104, carry? Carried.

Schedule 1, section 105, government motion 74: Ms. Mangat.

Mrs. Amrit Mangat: I move that the French version of clause 105(i) of schedule 1 to the bill be amended by striking out "prescrire" at the beginning and substituting "traiter de".

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? Carried unanimously.

Shall schedule 1, section 105, as amended, carry? Carried.

Schedule 1, section 106, PC motion 74.1.

Mr. Lorne Coe: I move that clause 106(1)(a) of schedule 1 to the bill be struck out.

Through you to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Sure. This particular amendment would remove the minister's regulatory authority to change the number of appointed members on the authority.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All those in favour? All those opposed? The motion is lost.

PC motion 74.2: Mr. Coe.

Mr. Lorne Coe: I move that clause 106(1)(b) of schedule 1 to the bill be struck out.

Through you, Chair, to my colleague.

The Acting Chair (Miss Monique Taylor): Thank you. Ms. Thompson.

Ms. Lisa M. Thompson: Again, in keeping with the previous amendment, this particular one would remove the minister's regulatory authority to change the number of elected members on the authority.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All those in favour? All those opposed? Motion lost.

PC motion 74.3: Mr. Coe.

Mr. Lorne Coe: We withdraw.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 106, carry? Carried.

Schedule 1, section 107, government motion 75.

Mrs. Amrit Mangat: I move that section 107 of schedule 1 to the bill be amended by striking out "for the purposes of part IV" in the portion before clause (a).

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Motion carried.

Shall schedule 1, section 107, as amended, carry? Carried.

Schedule 1, section 108, government motion 76: Ms. Mangat.

1550

Mrs. Amrit Mangat: I move that clauses 108(1)(c) and (d) of schedule 1 to the bill be struck out and the following substituted:

"(c) prescribing provisions of this act or the regulations for the purposes of clause 89(2)(f);

"(d) prescribing persons to whom an order may be issued for the purposes of clause 89(3)(e);"

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? The motion is carried.

NDP motion number 77: Mr. Hatfield.

Mr. Percy Hatfield: It's withdrawn.

The Acting Chair (Miss Monique Taylor): It's withdrawn.

NDP motion number 78: Mr. Hatfield.

Mr. Percy Hatfield: I move that section 108 of schedule 1 to the bill be amended by adding the following subsection:

"Same

"(3) Regulations governing administrative penalties shall ensure that the amount of an administrative penalty, however determined, exceeds the anticipated cost of compliance by the person who is required to pay the penalty."

The Acting Chair (Miss Monique Taylor): Any discussion?

Mr. Percy Hatfield: It just makes non-compliance more expensive.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? All those opposed? The motion is lost.

Shall schedule 1, section 108, as amended, carry? Carried.

Shall schedule 1, section 109, carry? Carried.

Schedule 1, section 110, NDP motion number 79: Mr. Hatfield.

Mr. Percy Hatfield: I move that subsection 110(1) of schedule 1 to the bill be amended by striking out "subsections (2)" and substituting "subsections (1.1)".

The Acting Chair (Miss Monique Taylor): Any discussion?

Interjection.

The Acting Chair (Miss Monique Taylor): One moment, please.

Sorry, Mr. Hatfield. This one is out of order. It refers to a motion that was previously defeated, motion 14.

Mr. Percy Hatfield: My mistake.

The Acting Chair (Miss Monique Taylor): No worries. We'll move on, then, to your next motion, number 80.

Mr. Percy Hatfield: Well, if 79 was out of order, 80 must be out of order too.

The Acting Chair (Miss Monique Taylor): Thank you very much—unless you wanted to put it on the record. Would you like to put it on the record?

Mr. Percy Hatfield: No. I'll just say it's out of order. I just want to move things along so we can get on to the substantive issues.

The Acting Chair (Miss Monique Taylor): We're on a roll.

Ms. Thompson?

Ms. Lisa M. Thompson: Chair, with all due respect, I would like to ask for a 15-minute break.

The Acting Chair (Miss Monique Taylor): Let us finish schedule 1. We're almost at the end of schedule 1, so we'll just finish that off and then it will be perfect timing.

Ms. Lisa M. Thompson: Thank you very much.

The Acting Chair (Miss Monique Taylor): Shall schedule 1, section 110, carry? Carried.

Shall schedule 1, section 111, carry? Carried.

Shall schedule 1, as amended, carry? Carried.

Well done.

We shall take a 15-minute recess and resume back at 4:10.

The committee recessed from 1555 to 1618.

The Vice-Chair (Mr. Jagmeet Singh): Committee is resumed. I hope you didn't miss me too much. Good afternoon, everyone.

Before we are in a position to continue, we're just making sure that the new amendments are put into the packages appropriately. Just to confirm, everyone did receive a copy of the new amendments? I see everyone is nodding their head. Excellent.

We'll just need a couple more minutes to arrange those new amendments into our package and then we'll be ready to proceed. I just wanted to give you that heads-up so you knew what was going on and that it wasn't any sort of delay. We're ready to move ahead, but just need

to make sure that these amendments are entered into our package.

Okay. So we're in a position to deal with motion 81 at this point. This is a government motion dealing with schedule 2, section 1.

I recognize Mrs. Mangat to move the motion.

Mrs. Amrit Mangat: I move that clause 1(c) of schedule 2 to the bill be amended by adding "and industry funding organizations" after "waste diversion programs".

The Vice-Chair (Mr. Jagmeet Singh): Is there any discussion on this motion? Yes.

Mrs. Amrit Mangat: I support this motion so that there is an orderly transition of the existing programs. That's why I'm supporting this.

The Vice-Chair (Mr. Jagmeet Singh): Ms. Thompson?

Ms. Lisa M. Thompson: We support this amendment, Chair, because it follows the very positive PC plan that we launched nearly four years ago to overhaul the province's waste diversion policies.

The Vice-Chair (Mr. Jagmeet Singh): Any additional discussion? Seeing none, are we prepared to vote? Seeing a yes—

Ms. Lisa M. Thompson: Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote noted.

Ayes

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Tabuns, Thompson.

The Vice-Chair (Mr. Jagmeet Singh): All those opposed? Seeing none, the motion passes.

We are now in a position to deal with schedule 2, section 1, as amended. Is there any discussion on the section as a whole? Seeing none, are we prepared to vote on this section? Yes? Shall schedule 2, section 1, as amended, carry? All those in favour? All those opposed? The section carries.

Now, with schedule 2, sections 2, 3 and 4, there are no amendments. Shall we bundle those together and deal with the vote in its entirety? Okay. Is there any debate on schedule 2, sections 2, 3 and 4—and 5 as well? No debate?

Interjection.

The Vice-Chair (Mr. Jagmeet Singh): Oh, there is a motion. Sorry. Just to be clear, this is on 2, 3 and 4 only. Yes? Okay. There's no debate. So shall sections 2, 3 and 4 carry? Those sections are carried.

Now we're dealing with schedule 2, section 5. There is a PC amendment: motion 81.1. I recognize Mr. Coe.

Mr. Lorne Coe: I move that section 5 of schedule 2 to the bill be struck out and the following substituted:

"Duties

"Minister's duties

"5(1) The minister shall,

"(a) oversee the operation by industry funding organizations of waste diversion programs for designated wastes in accordance with this act, and monitor the effectiveness and efficiency of those programs;

"(b) monitor the effectiveness of industry stewardship plans continued under section 36 or approved under section 37;

"(c) exercise powers and perform duties in relation to compliance with and enforcement of this act;

"(d) oversee the orderly winding up of industry funding organizations and the winding up of waste diversion programs, in full or in respect of a designated waste, in accordance with this act;

"(e) seek to enhance public awareness of and participation in waste diversion programs;

"(f) seek to ensure that waste diversion programs operated under this act affect Ontario's marketplace in a fair manner;

"(g) determine the amount of money required by the industry funding organizations to carry out their responsibilities under this act; and

"(h) establish a dispute resolution process for,

"(i) disputes between an industry funding organization and a municipality with respect to payments to the municipality under a waste diversion program, and

"(ii) disputes between an industry funding organization and a person in respect of the application of rules made by the industry funding organization under section 33 or regulations made by the Lieutenant Governor in Council under subsection 73(4).

"Authority's duties

"(2) The authority shall,

"(a) exercise the powers and perform the duties that, as of the day before section 21 of the Resource Recovery and Circular Economy Act, 2015 comes into force, were exercised and performed by Waste Diversion Ontario with respect to a waste diversion program approved by the minister under the old act; and

"(b) exercise the powers and perform the duties given to the authority with respect to a waste diversion program under this act."

Through you, Chair, to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: Ontario's Waste Diversion Act has been stalled at 25% for far too long. This only points to the WDO failure, which has proven to be incompetent. It can't be trusted with the complex and important task of phasing out eco tax programs, and so we've brought forward this amendment to ensure that the windup is done properly and that the ministry should oversee each aspect and report back to the House on its progress. We hope the government members opposite believe enough in the hard-working men and women at the ministry to give them the opportunity to oversee the windup.

The Vice-Chair (Mr. Jagmeet Singh): Any further debate? No? No debate? Are we in a position to vote on this amendment?

Ms. Lisa M. Thompson: Yes. Recorded vote, please.

The Vice-Chair (Mr. Jagmeet Singh): Recorded vote is noted.

Ayes

Coe, Thompson.

Nays

Fraser, Dhillon, Mangat, McGarry, Rinaldi.

The Vice-Chair (Mr. Jagmeet Singh): The motion fails.

We now move to motion 81.2—oh, sorry, before we do that—

Mr. Lorne Coe: Through you, Chair, I'll withdraw that motion, please.

The Vice-Chair (Mr. Jagmeet Singh): Sorry, before we deal with that motion—I'll have you do that in just a brief moment—we are in a position to deal with schedule 2, section 5. Before we deal with the vote, is there any debate on schedule 2, section 5? Seeing none, shall we vote on this section? Yes? Shall schedule 2, section 5, carry? Carried.

Now we can move to schedule 2, section 6. I recognize Mr. Coe to deal with motion 81.2.

Mr. Lorne Coe: We withdraw 81.2, through you, please.

The Vice-Chair (Mr. Jagmeet Singh): Withdrawn. Thank you, sir.

Now we move to government motion 82. Nope, sorry, I apologize. There's another motion, PC motion 81.3. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 6(2) of schedule 2 to the bill be amended by adding the following paragraph:

"3.1 Information about any plans the authority has approved during the previous fiscal year to wind up an industry funding organization, and information about their implementation."

Through you to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): Just a moment's indulgence, if you could bear with us while we have a quick break.

Interjections.

The Vice-Chair (Mr. Jagmeet Singh): Okay, sorry. Just to clarify, based on the way the next motion is, motion 82, your motion is not out of order in the sense that it's not allowed, but it's not in the best effective order because if 82 passes, it will effectively wipe out—if your motion did pass, that would wipe it out.

My suggestion is perhaps to just stand down motion 81.3 briefly, and we deal with 82 and come back to 81.3, if you don't mind. It will allow for the committee to have your 81.3 added in.

Ms. Lisa M. Thompson: Okay. We will agree to stand down 81.3 until 82 is dealt with.

The Vice-Chair (Mr. Jagmeet Singh): Yes. Is everyone okay with that? The way it works, it gives the committee an opportunity to actually allow for 81.3 to be added in, if the committee chooses to do so. There's unanimous consent to stand down 81.3? Yes. Excellent. It's stood down.

We'll deal now with government motion 82. I recognize Mrs. Mangat.

Mrs. Amrit Mangat: I move that subsection 6(2) of schedule 2 to the bill be struck out and the following substituted:

"Contents

"(2) The information mentioned in subsection (1) shall include the following:

"1. A description of any consultations undertaken during the previous fiscal year by the authority under this act or otherwise, and a summary of the results of the consultations.

"2. Information about waste diversion programs operated under this act during the previous fiscal year, including information about any changes to the programs.

"3. Information about any plans the authority has approved during the previous fiscal year to wind up a waste diversion program in full or in respect of a designated waste, and information about their implementation.

"4. A summary of compliance and enforcement activities carried out under this act during the previous fiscal year.

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"5. A copy of every report an industry funding organization has provided to the authority under section 30 in respect of the previous fiscal year.

"6. A copy of every report a person responsible for the operation of an industry stewardship plan has provided to the authority under section 40 in respect of the previous fiscal year.

"7. A copy of the report submitted by Brewers Retail Inc. under subsection 69(3) in respect of the previous year."

The Vice-Chair (Mr. Jagmeet Singh): Any additional comments or debate?

Mrs. Amrit Mangat: No comment.

The Vice-Chair (Mr. Jagmeet Singh): No comments or debate? Anyone else, in terms of any comments or debate? Seeing none, are we in a position to vote on this amendment?

Mrs. Amrit Mangat: Yes.

The Vice-Chair (Mr. Jagmeet Singh): Yes? Excellent. All those in favour of motion 82? All those opposed? The motion is carried.

Now we can deal with 81.3, the motion that has been stood down. I recognize Mr. Coe.

Mr. Lorne Coe: I move that subsection 6(2) of schedule 2 to the bill be amended by adding the following paragraph:

"3.1 Information about any plans the authority has approved during the previous fiscal year to wind up an industry funding organization, and information about their implementation."

Through you to my colleague.

The Vice-Chair (Mr. Jagmeet Singh): I recognize Ms. Thompson.

Ms. Lisa M. Thompson: This amendment would require the authority to include progress updates on the windup of any IFOs, industry funding organizations. As you might recall, Chair, our party has long championed a plan to increase recycling and reduce waste through innovation and competition among businesses in the private sector. Our plan was very clear: We would set measurable and achievable recycling targets for businesses, establish environmental standards, monitor outcomes, and enforce the rules. Our approach has been based on the understanding that businesses can advance innovation and improve efficiency much more effectively than government ever could.

In all sincerity, actually, this has been a long time coming. It's good to see the government has borrowed many of our ideas to increase recycling and create economic growth and they've permeated throughout Bill 151.

I am pleased to have the government's support on this critically important amendment to include progress updates on the windup of industry funding organizations, IFOs, in the authority's annual report. It speaks to and bodes well for accountability as well.

Thank you so much.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Thompson.

The Acting Chair (Miss Monique Taylor): All those opposed? Carried.

Shall schedule 2, section 6, as amended, carry?

Interjections.

The Acting Chair (Miss Monique Taylor): Oh, we missed one. Sorry about that, folks.

Government motion 83.

Mrs. Amrit Mangat: I move that paragraph 2 of subsection 6(3) of schedule 2 to the bill be amended by striking out the portion before subparagraph i and substituting the following:

"2. The information and reports described in subsection (2), with the following modifications:"

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: Chair, this amendment ensures that there is no gap in information relating to waste diversion programs, so I support it.

The Acting Chair (Miss Monique Taylor): All those in favour? All those opposed? Carried.

Shall schedule 2, section 6, as amended, carry? Carried.

If we can, with the allowance of the committee, group 7, 8 and 9 together—we're okay with that?

Interjections: Agreed.

The Acting Chair (Miss Monique Taylor): Shall schedule 2, section 7, section 8 and section 9 carry? Carried.

Oh, and schedule 10? Carried. Thank you.

Interjection.

The Acting Chair (Miss Monique Taylor): I'm sorry. Schedule 2, section 10: Carried? Carried. Thank you very much.

Schedule 2, section 11, NDP motion number 84: Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 11(1) of schedule 2 to the bill be struck out and the following substituted:

"Blue box program payments to municipalities

"(1) The waste diversion program for blue box waste must provide for payments to municipalities to be determined in a manner that results in the total amount paid to all municipalities under the program being equal to the applicable percentage of the total actual costs incurred by those municipalities, less the total actual revenue generated for those municipalities, as a result of the program.

"Same

"(1.1) For the purposes of subsection (1), cost and revenue amounts shall be determined on the basis of information submitted by the municipalities through the Municipal Datacall developed under the old act, and verified by the authority."

Chair, the bill historically has had a vagueness that has resulted in real problems for municipalities—disputes over amounts owed. Municipalities, through AMO, have expressed their concern that they're paying far more for waste management than one would, on the face of it, think they should have to pay. This amendment is meant to correct those problems.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? All those opposed? The motion is lost.

Government motion number 85. Mrs. Mangat.

Mrs. Amrit Mangat: I move that section 11 of schedule 2 to the bill be struck out and the following substituted:

"Blue box program payments to municipalities

"11. (1) The waste diversion program for blue box waste must provide for payments to municipalities to be determined in a manner that results in the total amount paid to all municipalities under the program being equal to the applicable percentage of the total net costs incurred by those municipalities as a result of the program.

"Same

"(2) For the purposes of subsection (1), the applicable percentage is 50 per cent or such greater percentage as is prescribed by the regulations for the purposes of this subsection.

"Change by minister

“(3) The minister may, if he or she considers it advisable in the public interest for the purposes of this act, change the waste diversion program for blue box waste to determine the total annual amount that shall be paid to municipalities under the program in respect of the period specified in the change.

“Consultation

“(4) Before making a change described in subsection (3), the minister shall consult with Stewardship Ontario and representatives of municipalities.

“Application of Environmental Bill of Rights, 1993

“(5) Section 16 of the Environmental Bill of Rights, 1993, and the other provisions of that act that apply to proposals for regulations, apply with necessary modifications to a change under subsection (3) and, for that purpose, the change is deemed to be a proposal under consideration in the ministry for a regulation under a prescribed act.

“Effect of change under subs. (3)

“(6) A change described in subsection (3) has the same effect as a change approved by the minister under section 12 or 13.

“Retroactive effect

“(7) A change to the waste diversion program for blue box waste under subsection (3) may be retroactive to a date that is no earlier than January 1 in the year before the change is made, but in no case shall the change be retroactive to a date that is earlier than January 1, 2016.

“Conflict

“(8) If there is a conflict between a change made by the minister to the waste diversion program for blue box waste under subsection (3) and a change resulting from a wind-up plan approved under section 14 in respect of the program, the minister’s change prevails.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: This motion provides a new power for the minister if he or she considers it is advisable in the public interest, so I support it.

The Acting Chair (Miss Monique Taylor): All those in favour—oh, I’m sorry. Ms. Thompson, did you want to say something?

Ms. Lisa M. Thompson: I did. I just want to add to the point that the minister’s changes would be subject to the EBR, the Environmental Bill of Rights registry, and we appreciate that very much.

The Acting Chair (Miss Monique Taylor): Thank you. Ready to vote? Okay. All those in favour? Carried unanimously.

Shall schedule 2, section 11, as amended, carry? Carried.

Schedule 2, section 12, NDP motion number 86. Mr. Tabuns.

Mr. Peter Tabuns: I’ll withdraw, Chair.

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The Acting Chair (Miss Monique Taylor): Number 87? NDP?

Mr. Peter Tabuns: Unfortunately, I have to withdraw this as well.

The Acting Chair (Miss Monique Taylor): Shall schedule 2, section 12, carry? Carried.

Schedule 2, section 13, NDP motion number 88. Mr. Tabuns.

Mr. Peter Tabuns: Withdrawn.

The Acting Chair (Miss Monique Taylor): Number 89? Mr. Tabuns?

Mr. Peter Tabuns: I move that subsection 13(2) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(2) The authority and the industry funding organization designated for the waste diversion program shall consult about any proposed change with,

“(a) representatives of municipalities,

“(b) representatives of persons who are designated under rules made by an industry funding organization under section 33 or regulations made under subsection 73(4) as stewards in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the authority and the industry funding organization consider to be affected by the proposed change.”

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? Carried.

Shall schedule 2, section 13, as amended, carry? Carried.

Schedule 2, section 14: PC motion 89.1.

Mr. Lorne Coe: Through you, Chair, we’ll withdraw.

The Acting Chair (Miss Monique Taylor): Motion 89.2.

Mr. Lorne Coe: Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Motion 89.3.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Government motion number 90.

Mrs. Amrit Mangat: Chair, we withdraw.

Interjections.

The Acting Chair (Miss Monique Taylor): Oh, I don’t have it. Sorry about that.

Now 89.4, a PC motion.

Mr. Lorne Coe: I move that subsections 14(1) and (2) of schedule 2 to the bill be struck out and the following substituted:

“Winding up

“(1) An industry funding organization that receives a written direction from the minister under this section to wind up a waste diversion program in full or in respect of a designated waste shall develop a plan in accordance with this section and shall submit it to the authority for approval.

“Direction re winding up industry funding organization

“(1.1) A direction under this section to wind up a waste diversion program in full may also require the industry funding organization to develop a plan for

winding itself up in accordance with any provisions of the Corporations Act that are prescribed to apply to it.

“Discretionary direction

“(1.2) The minister may, at any time, direct an industry funding organization to wind up a waste diversion program in full or in respect of a designated waste, subject to subsection (1.3).

“Mandatory direction

“(1.3) The minister shall direct an industry funding organization to wind up a waste diversion program in full if,

“(a) material prescribed as a designated waste to which the program applies is also prescribed under the Resource Recovery and Circular Economy Act, 2015 as material in a designated class within the meaning of that act; and

“(b) a regulation under the Resource Recovery and Circular Economy Act, 2015 imposes one or more of the responsibilities mentioned in part IV of that act in respect of the material.

“Same, timing

“(1.4) A direction under subsection (1.3) shall be made within 90 days after a regulation described in clause (1.3)(b) is filed with the registrar of regulations in accordance with part III (Regulations) of the Legislation Act, 2006.

“Same

“(1.5) Subsection (1.4) applies regardless of whether any provision of the regulation described in clause (1.3)(b) that imposes a responsibility in respect of the material is in force.

“Application of subs. (1.3)

“(1.6) Subsection (1.3) applies with respect to,

“(a) the waste diversion program for municipal hazardous or special waste;

“(b) the waste diversion program for used tires; and

“(c) the waste diversion program for waste electrical and electronic equipment.

“Non-application of subs. (1.3), ss. 12 and 13

“(2) On and after the day the minister makes a direction to wind up a program in full, subsection (1.3) and sections 12 and 13 do not apply to the program.”

Chair, our plan was clear: We wanted to see measurables, to see achievable recycling targets for businesses, and establish environmental standards, and monitor outcomes and enforce the rules. We see here that the government has borrowed some of the concepts, and it's reflected in this particular amendment.

I'll defer to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: If people think back to 2012, they'll know very well that the PC Party of Ontario unveiled our waste diversion plan to increase recycling and create good, well-paying jobs in the recycling sector. Our approach very much has been based on the understanding that businesses can advance innovation and improve efficiency much more effectively than government ever could, and because of that, we've been clear

that we would totally scrap Ontario's eco tax programs and recycling cartels.

Again, to revisit, this amendment would ensure that there are timelines in place to phase out the government's eco tax programs. We're pleased that the government has worked with us to create more certainty around the phase-out of eco tax programs, and I'm pleased to share with the committee today that we have the government's support for this critically important amendment to phase out eco taxes and wind up Ontario's industry funding organization.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour?

Ms. Lisa M. Thompson: Recorded vote, please.

The Acting Chair (Miss Monique Taylor): A recorded vote has been requested.

Ayes

Coe, Dhillon, Fraser, Mangat, McGarry, Rinaldi, Tabuns, Thompson.

The Acting Chair (Miss Monique Taylor): Carried.

Mr. Peter Tabuns: Chair?

The Acting Chair (Miss Monique Taylor): Yes.

Mr. Peter Tabuns: I made an error earlier with my motion 87. I should have moved that instead of withdrawing it. I would like to ask the committee for unanimous consent to reopen, I believe, section 12 and then re-vote on this and then vote again on section 12.

The Acting Chair (Miss Monique Taylor): Is there unanimous consent? Yes.

Mr. Peter Tabuns: Thank you, members of the committee.

The Acting Chair (Miss Monique Taylor): Go ahead, Mr. Tabuns.

Mr. Peter Tabuns: I move that subsection 12(2) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(2) The authority and the industry funding organization designated for the waste diversion program shall consult about any proposed material change with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated under rules made by an industry funding organization under section 33 or regulations made under subsection 73(4) as stewards in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the authority and the industry funding organization consider to be affected by the proposed material change.”

This is meant to ensure that there's proper consultation, when there are changes, with municipalities and other affected parties.

The Acting Chair (Miss Monique Taylor): Any discussion? All those in favour? All those opposed? The motion is carried.

Mr. Peter Tabuns: Then, I think section 12 has to be voted on, as amended.

The Acting Chair (Miss Monique Taylor): Yes. Shall schedule 2, section 12, as amended, carry? Carried. We had another addition. It will be PC motion 89.5.

Mr. Lorne Coe: I move that subsections 14(3) and (4) of schedule 2 to the bill be amended by striking out “under subsection (1)” wherever it appears.

This amendment is intended to remove the reference under subsection (1), now that we’ve amended section 14 to create a timeline for the phase-out of eco taxes.

The Acting Chair (Miss Monique Taylor): Ms. Thompson?

Ms. Lisa M. Thompson: Again, we’d just like to echo the fact that we’ve worked with the government to achieve this timeline to phase out eco taxes, and we certainly appreciate their support in doing so.

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The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? Carried unanimously.

Government motion number 90.

Mrs. Amrit Mangat: Chair, I withdraw.

The Acting Chair (Miss Monique Taylor): Withdrawn. Thank you.

PC motion 90.1. Ms. Thompson.

Ms. Lisa M. Thompson: We withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

PC motion 90.2.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

PC motion 90.3.

Mr. Lorne Coe: Through you, Chair, we withdraw.

The Acting Chair (Miss Monique Taylor): Thank you.

NDP motion number—oh, wait, hold on. We have another addition, PC motion 90.4.

Mr. Lorne Coe: I move that subsection 14(9) of schedule 2 to the bill be amended by striking out “under subsection (1)” at the end.

Here again, it’s the same intent as I earlier spoke to. The balance of comment will be to my colleague.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, just to provide clarity, the amendment is to remove the reference “under subsection (1)” now that we have amended section 14 to create the timeline to phase out the eco tax.

The Acting Chair (Miss Monique Taylor): Any further discussion? All in favour? Carried unanimously.

NDP motion 91.

Mr. Peter Tabuns: I move that section 14 of schedule 2 to the bill be amended by adding the following subsection:

“Same

“(5.1) A timeline for a program, or part of it, to cease operation shall not provide for a cessation date that is

later than December 31 of the year after the year in which this section comes into force, and may not be extended past that date.”

The idea here is to move forward the process of the transition.

The Acting Chair (Miss Monique Taylor): Any further debate? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Just for the record, I’d like to have it noted that the PC Party of Ontario supports this amendment because it would limit the amount that the minister could extend the timeline for windup plans.

The Acting Chair (Miss Monique Taylor): Anything else? Are the members ready to vote? All those in favour? All those opposed? The motion has lost.

Government motion number 92.

Mrs. Amrit Mangat: Chair, I withdraw.

The Acting Chair (Miss Monique Taylor): Thank you. Government motion 92.1 is an addition?

Mrs. Amrit Mangat: Yes. I move that subsections 14(7) and (8) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(7) In developing the plan, the industry funding organization shall consult with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated as stewards under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the industry funding organization considers to be affected by the winding up.

“Consultation

“(8) In assessing the plan, the authority shall consult with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated as stewards under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the authority considers to be affected by the winding up.”

The Acting Chair (Miss Monique Taylor): Any discussion?

Mrs. Amrit Mangat: This motion is replacing the previous one, so I support it.

The Acting Chair (Miss Monique Taylor): Thank you very much. Are members ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 14, as amended, carry? Carried.

Schedule 2, section 15, government motion 93.

Mrs. Amrit Mangat: I move that section 15 of schedule 2 to the bill be amended by adding the following subsection:

“Prohibition re: use of money, other assets

“(6) An industry funding organization shall not deal with money or any other asset other than in a way that is

consistent with the purpose of an industry funding organization described in subsection (5).”

The Acting Chair (Miss Monique Taylor): Any discussion?

Ms. Lisa M. Thompson: We like this particular amendment because it makes it clear that industry funding organizations—IFOs—are prohibited from using eco tax revenues for any other purpose than to perform the duties of an IFO. We like the way this has been cleaned up.

The Acting Chair (Miss Monique Taylor): Ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 15, as amended, carry? Carried.

Schedule 2, section 16, government motion 94: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 16(3) of schedule 2 to the bill be amended by striking out “after” and substituting “on and after”.

The Acting Chair (Miss Monique Taylor): Any discussion? Are members ready to vote? All those in favour? All those opposed? Carried.

Shall schedule 2, section 16, as amended, carry? Carried.

If the committee would allow, we can group quite a few of these together. We can go from schedule 2, section 17, all the way through to schedule 2, section 29. Okay? We’ll go through them.

Shall schedule 2, section 17, section 18, section 19, section 20, section 21, section 22, section 23, section 24, section 25, section 26, section 27, section 28 and section 29, carry? Carried.

Schedule 2, section 30, government motion 95: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsections 30(1) and (2) of schedule 2 to the bill be struck out and the following substituted

“Annual report, industry funding organization

“(1) Each industry funding organization shall, not later than April 1 in each year,

“(a) prepare a report in accordance with this section on its activities during the previous fiscal year; and

“(b) provide a copy of the report to the authority and make the report available to the public.

“Contents

“(2) The report shall include the following:

“1. Information about each waste diversion program operated during the previous fiscal year.

“2. Information about,

“i. material changes to a waste diversion program that were developed and implemented under this act during the previous fiscal year, and

“ii. steps taken to develop and implement a plan approved under section 14.

“3. Audited financial statements for the industry funding organization and a copy of the auditor’s report on the organization under subsection 29(2).

“4. A description of any consultations undertaken by the industry funding organization during the previous

fiscal year under this act and a summary of the results of the consultations.”

Chair, keeping in mind that transparency is fundamental, I’m supporting this.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All in favour? Any opposed? Carried.

Shall schedule 2, section 30, as amended, carry? Carried.

If we can group a few together again, let’s see how far we can go. We can start at 31 and—

The Clerk of the Committee (Mr. Katch Koch): Just 31.

The Acting Chair (Miss Monique Taylor): Oh, just 31; you’re right. There we go. That’s why we do it together.

Ms. Lisa M. Thompson: Team effort.

The Chair (Miss Monique Taylor): Team effort.

Shall schedule 2, section 31, carry? Carried.

Schedule 2, section 32, NDP motion number 96: Mr. Tabuns.

1700

Mr. Peter Tabuns: I move that subsection 32(2) of schedule 2 to the bill be struck out and the following substituted:

“Consultation

“(2) In operating the program, the industry funding organization shall consult with,

“(a) representatives of municipalities;

“(b) representatives of persons who are designated under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) as stewards in respect of the designated waste to which the waste diversion program applies; and

“(c) any other persons the industry funding organization considers to be affected by the operation of the program.”

Chair, we’re just making sure that consultation in this area is thorough and is open to those who are most directly affected.

The Acting Chair (Miss Monique Taylor): Any further discussion? All those in favour? All those opposed? Carried.

Shall schedule 2, section 32, as amended, carry? Carried.

So if we can group from section 33 to section 42—is everybody in favour of doing that? Okay, perfect. Shall schedule 2, section 33, section 34, section 35, section 36, section 37, section 38, section 39, section 40, section 41 and section 42 carry? Carried. Great stuff.

Schedule 2, section 43, government motion number 97: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 43(2) of schedule 2 to the bill be amended by adding the following paragraph:

“4. The industry funding organization has dealt with money or another asset in any way other than in accordance with subsection 15(6).”

Chair, this motion strengthens the authority's oversight role, so I support it.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote?

Interjection.

The Acting Chair (Miss Monique Taylor): Oh, sorry, Ms. Thompson.

Ms. Lisa M. Thompson: We just want to be on record as saying that if the government needs to appoint an administrator to facilitate the windup of a waste diversion program and an IFO, this amendment would require that the administrator has dealt with the eco tax revenues in a way that follows the rules under this particular act, so we're supporting it.

The Acting Chair (Miss Monique Taylor): Thank you very much. All those in favour? Carried unanimously.

The Clerk of the Committee (Mr. Katch Koch): My pen is dead.

The Acting Chair (Miss Monique Taylor): Dead pen. We have to wait for Katch. There's no moving on without Katch.

Okay. Shall schedule 2, section 43, as amended, carry? Carried.

I guess we can group some more again. We can do from 44 to 47, if everybody's okay with that. Okay. Shall schedule 2, section 44, section 45, section 46 and section 47 carry? Carried.

Schedule 2, section 48, government motion number 98.

Mrs. Amrit Mangat: I move that paragraphs 3 and 4 of subsection 48(2) of schedule 2 to the bill be struck out and the following substituted:

"3. A person retained by an industry funding organization to operate all or part of an approved waste diversion program.

"4. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this act.

"5. The owner or operator of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act.

"6. A person operating an industry stewardship plan."

This amendment clarifies the language, so I'm in support of it.

The Acting Chair (Miss Monique Taylor): Any further discussion? Mr. Coe.

Mr. Lorne Coe: Chair, through you, we'll be supporting this particular motion, because what it does is ensure the proper definitions are used for owners and operators of waste management systems. But more particularly, it applies to who is subject to an inspection by the authorities and enforcement officers, so this is a good amendment. We'll support it.

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All in favour? Any opposed? Carried.

Shall schedule 2, section 48, as amended, carry? Carried.

Schedule 2, section 49, government motion 99.

Mrs. Amrit Mangat: I move that paragraphs 3 to 5 of subsection 49(1) of schedule 2 to the bill be struck out and the following substituted:

"3. A person retained by an industry funding organization to operate all or part of an approved waste diversion program.

"4. A person who arranges for the establishment or operation of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act in relation to another person's responsibilities under this act.

"5. The owner or operator of a waste disposal site or waste management system within the meaning of part V of the Environmental Protection Act.

"6. A person operating an industry stewardship plan.

"7. A director, officer, employee or agent of a person described in paragraphs 1 to 6."

Chair, this amendment ensures that others who provide a broad range of services—for example, legal, administrative or accounting services—are not included. I support this motion.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: We would just like to add that this section applies to compelling a response to an inquiry by an inspector. It's making sure that they follow up and they respond to and account for their actions, so we support this as well.

The Acting Chair (Miss Monique Taylor): Great. All those ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 49, as amended, carry? Carried.

We can group a few together again. If we can go from 50 to 55; is everybody in agreement with that? Shall schedule 2, section 50, section 51, section 52, section 53, section 54 and section 55 carry? Carried.

Schedule 2, section 56, government motion 100: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsections 56(1), (2) and (3) of schedule 2 to the bill be struck out and the following substituted:

"Administrative penalties

"(1) An administrative penalty may be imposed under this section for one or more of the following purposes:

"1. To ensure compliance with this act and the regulations.

"2. To prevent a person from deriving, directly or indirectly, any economic benefit as a result of contravening a provision of this act or of the regulations.

"Order by registrar or deputy registrar

"(2) The registrar or a deputy registrar may, subject to the regulations, issue an order requiring a person described in subsection (3) to pay an administrative penalty to the authority if the registrar or deputy registrar is of the opinion that the person has contravened,

“(a) subsection 14(1);
 “(b) section 30;
 “(c) section 31;
 “(d) a rule made by an industry funding organization under section 33;
 “(e) subsection 33(8);
 “(f) section 34;
 “(g) subsection 35(2);
 “(h) subsection 35(3);
 “(i) section 40;
 “(j) subsection 41(2);
 “(k) section 49;
 “(l) subsection 69(3); or
 “(m) a provision of the regulations.
 “Same
 “(3) An order may be issued under subsection (2),
 “(a) to an industry funding organization;
 “(b) to a person designated as a steward;
 “(c) to a person operating an industry stewardship plan; or
 “(d) to Brewers Retail Inc.”

Chair, these tools would be used at the discretion of the authority to ensure that outcomes are met. I'm supporting this.

The Acting Chair (Miss Monique Taylor): Any further discussion? Mr. Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, this section applies to administrative penalties. One aspect in particular makes it very clear that it's to ensure compliance and to prevent a person from deriving a benefit from a contravention. As a consequence, we'll be supporting this amendment.

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All in favour? Carried unanimously.

Shall schedule 2, section 56, as amended, carry? Carried.

I think we can group again, from sections 57 to 62, if everyone is in agreement?

Interjection.

1710

The Acting Chair (Miss Monique Taylor): Oh, we've got two in the middle. Never mind. So it's just 57 and 58. Everybody is okay with that? Okay.

Shall schedule 2, section 57 and section 58, carry? Carried.

Schedule 2, section 59, government motion 101: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 59 of schedule 2 to the bill be amended by adding “for a reason described in subsection 67(4)” after “was not effective”.

Chair, this amendment ensures fairness, so I'm in favour of it.

The Acting Chair (Miss Monique Taylor): Any further discussion? All in favour? All opposed? Carried.

Shall schedule 2, section 59, as amended, carry? Carried.

We can group 60, 61 and 62. Everybody is okay with that? Okay.

Shall schedule 2, section 60, section 61 and section 62 carry? Carried.

Schedule 2, section 63, government motion 102: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 63 of schedule 2 to the bill be struck out and the following substituted:

“Powers of tribunal

“63. A hearing by the tribunal shall be a new hearing and the tribunal may,

“(a) confirm or revoke the order that is the subject matter of the hearing; or

“(b) vary the order, but it may only vary the amount of a penalty if it considers the amount to be unreasonable.”

Chair, this motion clarifies the tribunal's jurisdiction, so I'm in support of this.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All in favour? Any opposed? Carried.

Shall schedule 2, section 63, as amended, carry? Carried.

Shall schedule 2, section 64, carry? Carried.

Schedule 2, section 65, government motion 103: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 65(1) of schedule 2 to the bill be amended by striking out the portion before paragraph 1 and paragraph 1 and substituting the following:

“(1) An industry funding organization is guilty of an offence if it contravenes one of the following provisions or a provision of the regulations:

“1. Subsection 14(1) or (12).

“1.1 Subsection 15(6).”

The Acting Chair (Miss Monique Taylor): Discussion?

Mrs. Amrit Mangat: Chair, it is important that the authority has appropriate compliance and enforcement tools, so I support this motion.

The Acting Chair (Miss Monique Taylor): Ms. Thompson.

Ms. Lisa M. Thompson: Again, we'll be supporting this particular amendment because it makes it very clear that it is an offence to use eco tax revenue for anything other than the purposes laid out in this act. So that was a good one.

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All in favour? Unanimous. Carried.

Government motion 104: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 65(2) of schedule 2 to the bill be struck out and the following substituted:

“Stewards

“(2) A person designated as a steward under the rules made by an industry funding organization under section 33 or a regulation made under subsection 73(4) is guilty of an offence if the person contravenes one of the following provisions:

“1. A rule made under section 33.

"2. Section 34.

"3. A provision of the regulations."

The Acting Chair (Miss Monique Taylor): Discussion?

Mrs. Amrit Mangat: Chair, I support it. This motion also deals with that the authority has appropriate compliance and enforcement tools.

The Acting Chair (Miss Monique Taylor): Mr. Coe.

Mr. Lorne Coe: Through it, as I read the amendment—and I'm seeking some clarity, through the reader—what I'm seeing it as saying to stewards is that they'll be guilty of an offence for contravening a provision of the regulations without specifically spelling out what those provisions are.

So perhaps you can provide a little bit more clarity and rationale for this amendment, because that's the interpretation I've taken in reading it. Through you, Chair, please.

The Acting Chair (Miss Monique Taylor): Ms. Mangat.

Mrs. Amrit Mangat: Chair, this motion ensures that the proposed legislation is appropriately applied to all persons who may be charged with an offence—no, sorry. I withdraw. I'm so sorry. What's your question?

Mr. Lorne Coe: In my reading of the amendment, the interpretation that I've taken—

Mrs. Amrit Mangat: Do you want me to read it again?

Mr. Lorne Coe: If you would, please. That would be helpful.

Mrs. Amrit Mangat: Okay. The whole amendment?

Mr. Lorne Coe: What I would like to hear, through you, Chair, is the rationale for the amendment, because the interpretation that I've taken, and that my colleague has taken as well, is that it's saying that the stewards will be guilty of an offence for contravening a provision of the regulations without spelling out what those provisions are. That's the interpretation that I've taken. Through you, Chair, I'm looking for the clarity for the rationale.

Mrs. Amrit Mangat: Chair, this amendment is consistent with the previous motion to broaden the scope of the offence provisions for a steward from prescribed provisions and regulations to any provisions in the regulations.

Mr. Lorne Coe: Right. Thank you, Chair. I've received the explanation.

The Acting Chair (Miss Monique Taylor): Thank you. Are members ready to vote? All those in favour? All those opposed? Carried.

Government motion number 105: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 65(11) of schedule 2 to the bill be amended by striking out "against a person described in subsection (1), (2) or (3)".

The Acting Chair (Miss Monique Taylor): Discussion? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: Again, given the previous amendment that was voted upon, without spelling out exact provisions, we think that it's a worry. We caution about how this amendment appears to make the limitation on commencing a proceeding against a steward

apply more generally, especially when, earlier, we raised our flag of concern because the provisions haven't been properly spelled out. We just wanted to provide that feedback to you.

Mrs. Amrit Mangat: Okay. This motion ensures that the proposed legislation is appropriately applied to all persons who may be charged with an offence.

Ms. Lisa M. Thompson: Okay.

The Acting Chair (Miss Monique Taylor): Okay. Are members ready to vote? All in favour? All opposed? The motion is carried.

Shall schedule 2, section 65, as amended, carry? Carried.

Shall schedule 2, section 66, carry? Carried.

Schedule 2, section 67, government motion 106: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 67(4) of schedule 2 to the bill be amended by striking out "accident or illness" at the end and substituting "accident, disability or illness".

The Acting Chair (Miss Monique Taylor): Discussion? Are members ready to vote? All those in favour? Carried unanimously.

Shall schedule 2, section 67, as amended, carry? Carried.

We may be able to group a couple together here, if it's okay with the committee. Grouping section 68 through to section 72: Is that good? Okay. Shall schedule 2, section 68, section 69, section 70, section 71 and section 72, carry? Carried.

Schedule 2, section 73, government motion 107: Ms. Mangat.

Mrs. Amrit Mangat: I move that clause 73(1)(l) of schedule 2 to the bill be struck out and the following substituted:

"(l) governing the authority's requests for information from industry funding organizations;"

The Acting Chair (Miss Monique Taylor): Discussion?

Mrs. Amrit Mangat: Chair, the proposed legislation provides the authority with a mandate to oversee the existing waste diversion programs and the windup of the existing ones in an orderly fashion.

The Acting Chair (Miss Monique Taylor): Any further discussion? Are members ready to vote? All in favour? All opposed? Carried.

Government motion 108: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 73(3) of schedule 2 to the bill be struck out.

1720

The Acting Chair (Miss Monique Taylor): Any discussion? All in favour? All opposed? Carried.

Shall schedule 2, section 73, as amended, carry? Carried.

We can group some together again: 74 to 76. Is everybody okay with that?

Shall schedule 2, sections 74 to 76, carry? Carried.

Schedule 2, section 77, government motion 109: Ms. Mangat.

Mrs. Amrit Mangat: I move that section 77 of schedule 2 to the bill be amended by adding the following subsection:

“(0.1) Subsection 14(1.1) of this act is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”.

Chair, this motion is related to other motions in this package which refer to the Corporations Act, so this is not necessary, and I’m in favour of it.

The Acting Chair (Miss Monique Taylor): One moment, please.

Interjections.

Mrs. Amrit Mangat: Chair, point of order.

The Acting Chair (Miss Monique Taylor): Yes, Ms. Mangat?

Mrs. Amrit Mangat: I don’t mean that I have to withdraw this motion. I don’t withdraw. I’m talking about the explanation of the amendment. I don’t withdraw. Do you want me to read it again?

The Acting Chair (Miss Monique Taylor): It’s up to counsel.

Ms. Pauline Rosenbaum: Sure.

Mrs. Amrit Mangat: I move that section 77 of schedule 2 to the bill be amended by adding the following subsection:

“(0.1) Subsection 14(1.1) of this act is amended by striking out “Corporations Act” and substituting “Not-for-Profit Corporations Act, 2010”.

The Acting Chair (Miss Monique Taylor): Debate? All those in favour? Any opposed? Carried.

Shall schedule 2, section 77, as amended, carry? Carried.

Schedule 2, section 78, government motion 110: Ms. Mangat.

Mrs. Amrit Mangat: I move that subsection 78(1) of schedule 2 to the bill be struck out and the following substituted:

“Commencement

“(1) Subject to subsections (1.1) to (5), the act set out in this schedule comes into force on a day to be named by proclamation of the Lieutenant Governor.

“Same

“(1.1) Subsection 77(0.1) comes into force on the later of the day subsection 14(1.1) of this schedule comes into force and the day subsection 4(1) of the Not-for-Profit Corporations Act, 2010 comes into force.”

The Acting Chair (Miss Monique Taylor): Are members ready to vote? All those in favour? Any opposed? Carried.

Shall schedule 2, section 78, as amended, carry? Carried.

Schedule 2, section 79: Shall it carry? Carried. Excellent.

Shall schedule 2, as amended, carry? Carried.

We’re just going to do a quick check here, to make sure they’ve got everything that was put aside.

Interjections.

The Acting Chair (Miss Monique Taylor): Okay, we’re ready to move on.

Section 1: Are there any comments or debate? Shall section 1 carry? Carried.

Any comments on section 2? Shall section 2 carry? Carried.

Comments on section 3? Shall section 3 carry? Carried. Very good.

Shall the title of the bill carry? Carried.

Shall Bill 151, as amended, carry? Carried.

Shall I report Bill 151, as amended, to the House? Thank you.

Was there any discussion or comments from committee members? Yes, Ms. Thompson.

Ms. Lisa M. Thompson: I just want to recognize that this has been a long time coming. This is the third attempt to bring through a Waste-Free Ontario Act. There have been two other kicks at the proverbial can and, using that baseball analogy, three strikes and you’re out. I think there are some people breathing a sigh of relief.

But in all seriousness, the PC Party of Ontario unveiled our plan in 2012 to increase recycling and create good, well-paying jobs in the recycling sector. Our plan was very clear: We would set measurable and achievable recycling targets for businesses, establish environmental standards, monitor outcomes and reinforce the rules.

We raise some flags of caution. We really worry about the unnecessary burden of what seems to be an increased level of bureaucracy with regard to the waste cops that will be created through this particular passing of the bill. We reserve the right to put the government on notice, saying that we’re going to watch how this type of initiative will play out. We’re hopeful there isn’t a lot of extra burden in terms of financial burden placed on our brand holders, our producers, our municipalities etc. in that regard.

We also would like to raise a flag on behalf of stakeholders we met, with regard to policy statements. We encourage the government to pay heed to the many stakeholders who share that common concern of how policy statements can be sprung upon them and also prove to be a burden.

Another flag that we heard time and again was the manner in which the makeup of the authority would rest in the hands of the minister with regard to the appointment of five, who then in turn will move forward and elect six people to join them on the authority.

The PC Party of Ontario would like to reserve the right to put the government on notice that we’re going to be watching. We want to make sure that this whole approach is very much done in such a manner that moves the industry and the whole intent and purpose of this bill forward and doesn’t prove to be a handcuff to stakeholders.

Just to close, we would like to share our appreciation and recognize the government in working with us to uphold something that we feel is very needed, in this third kick at the can, and that’s a timeline to eliminate

eco taxes. Certainly, it's critically important to include progress updates on the windup of the industry funding organizations in the authority's annual report as well.

Thanks very much for that.

The Acting Chair (Miss Monique Taylor): Thank you, Ms. Thompson. Yes, Ms. Mangat?

Mrs. Amrit Mangat: Chair, I would like to thank all members of the committee for their co-operation and

their insight. It's all working together that we can achieve the ultimate goal of what is best for the citizens.

Thank you.

The Chair (Miss Monique Taylor): Thank you very much. In the spirit of working together and doing so well, you do not have to come to this committee tomorrow. We are adjourned.

The committee adjourned at 1733.

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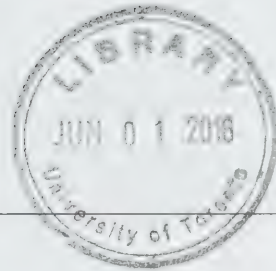
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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 16 May 2016

Journal des débats (Hansard)

Lundi 16 mai 2016

Standing Committee on Social Policy

Ontario Retirement Pension
Plan Act (Strengthening
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Comité permanent de la politique sociale

Loi de 2016 sur le Régime
de retraite de la province
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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 16 May 2016

Lundi 16 mai 2016

*The committee met at 1401 in committee room 1.*ONTARIO RETIREMENT PENSION
PLAN ACT (STRENGTHENING
RETIREMENT SECURITY
FOR ONTARIANS), 2016LOI DE 2016 SUR LE RÉGIME
DE RETRAITE DE LA PROVINCE
DE L'ONTARIO (SÉCURISER LA RETRAITE
EN ONTARIO)

Consideration of the following bill:

Bill 186, An Act to establish the Ontario Retirement Pension Plan / Projet de loi 186, Loi établissant le Régime de retraite de la province de l'Ontario.

The Clerk of the Committee (Mr. Katch Koch): Good afternoon, honourable members. In the absence of the Chair and the Vice-Chair, it is my duty to call upon you to elect an Acting Chair. Are there any nominations? Ms. French?

Ms. Jennifer K. French: I nominate Catherine Fife, the member from Kitchener–Waterloo.

The Clerk of the Committee (Mr. Katch Koch): Ms. Fife, do you accept the nomination?

Ms. Jennifer K. French: You don't have to.

Ms. Catherine Fife: Yes, I do.

The Clerk of the Committee (Mr. Katch Koch): Are there further nominations? There being no further nominations, I declare Ms. Fife duly elected as Acting Chair of the committee.

The Acting Chair (Ms. Catherine Fife): Good afternoon. I'm calling this meeting to order to consider Bill 186, An Act to establish the Ontario Retirement Pension Plan. Pursuant to the order of the House dated Thursday, May 5, 2016, each witness will receive up to five minutes for their presentation, followed by nine minutes of questioning from the committee, three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 186 and to keep them brief in order to allow maximum time for the witnesses to respond.

Any questions before we begin?

UNITED STEELWORKERS

The Acting Chair (Ms. Catherine Fife): I call the first witness, from the United Steelworkers, Alex Mc-

Kinnon. Please approach the table and enter your name and affiliation into the record.

Mr. Alex McKinnon: Alex McKinnon. I'm the director of research from the United Steelworkers.

The Acting Chair (Ms. Catherine Fife): Mr. McKinnon, you can start.

Mr. Alex McKinnon: Thanks.

I'm here today to present on behalf of our district 6 director, Marty Warren. As the Ontario government moves forward with the design and implementation of the Ontario pension plan, we certainly, as steelworkers, welcome the opportunity to comment on it.

Just as an idea of the Steelworkers, you may remember us from places like US Steel, but we're also an extremely diverse union, in all kinds of different sectors—manufacturing, security and, in fact, our biggest local is the University of Toronto administration staff. So we've changed a lot.

There is a real retirement crisis in pensions in this country. That's probably the biggest understatement that's ever been said. I'm going to go quickly through here. If we take a look at the new generation of workers and the labour markets, employees are less likely to work for any one single employer. Today, only 40% of Ontarians have workplace pensions. In the private sector, it's less than 25%—in fact, I'd say it's a whole heck of a lot less than that, because probably most of those are defined contribution plans, and I akin those more to savings plans than I do to pension plans. The reliance on the savings is falling far short, and that's why, as we understand it, the Ontario government has sponsored the Ontario registered retirement pension plan.

We'd also agree with Minister Hunter when she said that improving the Canada Pension Plan is in fact the best approach. If there is no national consensus on doing that, and there doesn't appear to be one, we feel that retirement security can be strengthened through the Ontario pension plan.

We are disappointed, however and “disappointed” is probably an understatement—that the Ontario pension plan does not incorporate universal coverage. We fear that Ontario's actions will undermine universal expansion of the CPP going forward.

This is actually the second time we've appeared before this committee. Our remarks are actually going to be similar in many ways to what we said the first time.

We think that, in fact, one of the most serious design flaws in the Ontario pension plan as it sits now is the fact of the exemption for comparable plans. We understand that the government's position has been that it's to protect existing quality pension plans, but we think that's a relatively weak argument. There's a number of different options that could happen. Defined benefit plans could incorporate the Ontario pension plan—like I say, a number of different things.

We are going to strongly suggest that Ontario should amend Bill 186 to expand coverage of the Ontario pension plan to all workers, regardless of their membership, and for several reasons.

First, universal coverage enhances retirement benefits through increased portability of benefits. Increased seamless portability is one of the most efficient and equitable aspects of the Canada Pension Plan. Universal coverage also reduces administrative complexity for both employers and the plan itself. Universality would spread the investment and the longevity risk amongst a greater number of people.

From our perspective, the only reason for exempting the comparable plans is the pressure from the financial services industry. The government should reconsider those exemptions and, at the very least, further resist any pressure from the financial sector to include such inferior products as the pooled registered pension plan.

We understand the constraints of the Income Tax Act, but we certainly welcome that the Ontario government continues to work with the federal government to allow the self-employed and federally regulated employees to participate in the Ontario pension plan.

The exemptions under Bill 186 for comparable plans have also created considerable complexity for government officials, employers, unions and workers. The—

The Acting Chair (Ms. Catherine Fife): Mr. McKinnon, your five minutes is up.

Questions will now go to the PC Party: MPP Martow?

Mrs. Gila Martow: Thank you very much for joining us today.

My first question is, why do you think that the government is pushing ahead with this plan? I'll just mention that Marty Warren, the director from USW Ontario, who I assume you know very well—

Mr. Alex McKinnon: I do.

Mrs. Gila Martow: —said that he felt that it was a politically motivated announcement to sway people to support the Liberals in the federal election, that somehow the suggestion was that there would be a deal made so that we would just expand the CPP. So why do you think that they're pushing ahead with this now?

Mr. Alex McKinnon: I can't speak for the government, but I would think that they hopefully recognize that there is in fact a retirement crisis coming down the pipes. In fact, not only is there a retirement crisis now, but it's going to be far worse in 25 to 30 years when most people rely on the defined contribution plans or other mechanisms like that.

Mrs. Gila Martow: Well, we all know that if you don't have a job, you're not going to be able to have any kind of retirement savings. So there's a lot of concern about how this is going to affect the economy and job growth.

I would ask you maybe to comment on people moving from province to province. Do you feel that this would lock people into having to stay in Ontario for their entire working life?

Mr. Alex McKinnon: No, I don't think it locks people into staying in Ontario. If they want to move, they're going to move. My understanding is that the government has reached out to other provinces. Hopefully, other provinces would join if they don't expand the CPP.

Will this stop jobs? They've said that about every sort of positive initiative around the CPP, EI and other things, and it hasn't.

Mrs. Gila Martow: Thank you very much.

Mr. Alex McKinnon: You're welcome.

The Acting Chair (Ms. Catherine Fife): I think you have one minute.

Mr. Lorne Coe: Through you, Chair, to the delegation.

I'm on page 4 of your delegation, sir; it's the first paragraph, and it says, halfway through it, "Monitoring of comparable plans should be done on a consistent and transparent basis." What process do you think ought to be used?

Mr. Alex McKinnon: I'm not sure. There is certainly a problem in trying to watch what comparable plans are and who actually does the monitoring, because monitoring is not contemplated under the present legislation. We also have a problem in collective bargaining where employers are trying to get out of the Ontario pension plan every which way.

Mr. Lorne Coe: Thank you, Chair.

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The Acting Chair (Ms. Catherine Fife): Next questions go to the third party. MPP French.

Ms. Jennifer K. French: Thank you, Mr. McKinnon. We're glad to have you here. Your presentation was cut a little bit short. Was there anything else that you wanted to get on the record before I ask you some questions?

Mr. Alex McKinnon: No. We would support the general initiative of the Ontario pension plan with universal coverage. I think there's probably a whole pile more of things I'd like to say, but I know time is short.

Ms. Jennifer K. French: Okay. Maybe we'll give you some chance to do that.

One of the things that you had mentioned is in terms of the government going ahead with considering other products comparable—as you said, the inferior products, the PRPP. As the government is making decisions around that, that will be made in regulations and without fulsome debate. So if you'd like to weigh in on why you have that feeling that they shouldn't be considered comparable.

Mr. Alex McKinnon: We would prefer to have one as universal coverage, because then if you integrated it with

CPP expansion, that would be seamless, in order to do that.

Second of all is with respect to comparable plans. Even if you have a group that is contributing to what is a comparable plan right now, and they go through that process—let's say they're in a defined benefit and they happen to work at US Steel and they close down, or at Nortel and they're going to see their pensions cut—that would have been all the more reason to have those people in the Ontario pension plan.

Ms. Jennifer K. French: This is a government that had originally started with everybody in, maybe defined benefit, and then more people were excluded, and now we're at the point where they're suggesting that PRPPs will be considered comparable, and they don't even exist yet. That's why I wanted to have your opinion on PRPPs specifically.

Part of your submission, that you just mentioned, was about some of the issues around the bargaining table and what you're finding now. Perhaps you could speak to that and share.

Mr. Alex McKinnon: There is hardly a set of bargaining that we go through, where there is a defined contribution plan in place, that the employer doesn't say that their contributions will be offset not only for the ORPP, but they've also included, if the CPP were expanded, it would offset. In fact, as I was sitting here just before the meeting started, I got an email from staff, and they put in the proposal from the employer that said if the ORPP applies to them, they're doing away with their defined contribution plan. That's their proposal in bargaining.

We see that every which way, especially in the nursing home sector, but almost every place where there's a defined contribution plan.

Ms. Jennifer K. French: How helpful would it be to have more details from the government before this is a done deal?

Mr. Alex McKinnon: I think there's a lot of confusion out there by employers about what in fact is covered. If it's a multi-employer plan, is it the appropriate plan to go? I think it would be a whole lot easier if there was just universal coverage.

Ms. Jennifer K. French: Thank you.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. McKinnon. Questions now will come from the government side. MPP McGarry?

Mrs. Kathryn McGarry: Thank you for coming to Queen's Park today and adding your comments. As you know, the ORPP is going to be enhancing retirement security for about four million Ontarians, to really help with our economy. And as you know, there's ongoing dialogue with the federal government and the other provinces. But two thirds of the provinces, representing two thirds of the people, need to agree to be able to carry on that discussion. We are continuing to move forward on two tracks. One is to continue that national dialogue on CPP with the other finance ministers across the

country, but we're also preparing to move forward with the ORPP in case that agreement is not reached.

I just wanted to reiterate that we've been clear that we're going to be integrating the ORPP with the CPP if indeed it goes forward with enhancements. So some of the plan designs right now are to ensure that we can integrate with the CPP in future, if that comes about.

In the meantime, can you comment on how public pension plans help to benefit the economy in the long term?

Mr. Alex McKinnon: Sure. People get pensions and they spend that money, so it's not as if they're sticking it somewhere in the Caymans or a Panama account somewhere. For most people, that's what they live on. Most people don't have a whole ton of private savings, so pension plan money and CPP are an extremely important element to be able to retire with dignity.

But when you talked about the four million Ontarians—I'll wait with bated breath to see whether that many people get covered, and I wish it was universal coverage.

Mrs. Kathryn McGarry: Your point is well taken. As I've said, we've done some work over comparable plans and moved forward with this bill, having listened and adjusted what we are doing going forward. As I said, our government is working very closely with the federal government and other provinces to try to get everybody on board.

What is the downside to Ontario without people saving enough for retirement?

Mr. Alex McKinnon: There are lots of downsides. I mean, if you don't have adequate retirement income, there's a downside to all levels of government. People fall back on, at the federal level, the Guaranteed Income Supplement. There's more access to the public purse if there is inadequate retirement income.

Mrs. Kathryn McGarry: Certainly we saw that—I was a nurse and had to look after seniors who didn't have enough retirement savings.

Any other comments?

Mr. Alex McKinnon: No.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. McKinnon. The time is up. Thank you for appearing.

CUPE ONTARIO

The Acting Chair (Ms. Catherine Fife): Next I'd like to call CUPE Ontario. Please introduce yourself. You don't need an introduction, but you need to do it for us.

Mr. Fred Hahn: My name is Fred Hahn and I'm the president of CUPE Ontario.

CUPE represents a large number of workers who have successfully negotiated workplace-based pension plans, including large multi-employer plans, like OMERS and HOOPP, and some workplace-specific plans, like in our universities. But we also represent many workers who have yet to be successful at negotiating workplace plans,

including many workers who experience a wide variety of precarious work arrangements. It's why we have some concerns about some of the design elements of the ORPP.

We do recognize that the government's decision to make the ORPP a defined benefit plan is a very good step. Defined benefit plans provide the greatest amount of security in retirement and they must be promoted and expanded. We also recognize that it's vitally important to provide pension expansion. CUPE has been promoting, with many others, CPP expansion, and we remain committed to improving retirement security for all workers in Canada through an expanded public pension system.

But there is a fundamental flaw in the current design of the ORPP, one that is not too late to fix. That problem is the fact that the ORPP is not universal in its design.

Universality of important social programs like public pensions is the best way to ensure their ongoing viability. Universality is a central feature of successful social programs. Universal programs garner the widest possible public support, while non-universal programs, in the long run, are susceptible to erosions of support from those who gain no immediate benefit from them, and thus are vulnerable to political movements to eliminate such plans. It would be politically advantageous to design the ORPP as a universal plan in order to help sustain the highest possible level of public support.

The lack of universality of the ORPP is not just a problem of politics; it's also an administrative problem for the plan. Compliance with the ORPP will be difficult and costly to enforce, a problem that's not found with the universal CPP. The complex rules for determining if a workplace plan is comparable will create confusion, real or feigned, within the business community. The education that will need to go into informing employees and employers of their rights and obligations will come at a cost and an investment of time. There is also a risk that these educational efforts will fail in some cases, leading to non-compliance. There is no such risk when employers follow the same rules that they follow for the CPP, with which they are already familiar.

It's our understanding that enforcement will include combinations of targeting employers at high risk of offending and self-reporting by employees who believe their employers to be in violation of the act. Targeting high-risk employers will require long-term data collection and analysis, assessment of risk and regular compliance audits. This seems to be an inefficient way of proceeding. Requiring employees to report violations by their employers, through snitch lines or other means, is premised on the fact that employees know enough about these complex rules to be able to suspect that their employers are in violation of the act in the first place. Moreover, it will require employees to not fear reprisals for reporting their employers. When employees fear that if their employer knows they filed a report, they will suffer adverse consequences, they are way less likely to report violations of any sort.

The government has already heard from the head of some public sector pension plans, OMERS being a key example. These pension heads claim that making the ORPP universal would put existing plans at risk and would make it more difficult for them to reach their goals of full funding. CUPE has engaged the services of Smith Pension and Actuarial Consultants to do an analysis of the OMERS figures. This analysis demonstrates conclusively that there is absolutely no risk to OMERS, nor would there be to any other existing pension plan, if the ORPP is made universal. What the head of OMERS is saying to government is quite simply false. We strongly urge the government to revise the ORPP's design to make it a universal plan that covers all workers, designed on the same basis as the CPP. It will be much more efficient and have a much more effective and successful longevity.

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Our written submission includes positions on a number of other issues, including how to deal with potential shortfalls in the ORPP and the importance of not using the ORPP as a tool for privatizing infrastructure and public assets. I'd ask respectfully for the committee to consider carefully all of our recommendations and I want to thank you for your time. I look forward to your questions.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. Hahn. Questions this round will come from the NDP. MPP French?

Ms. Jennifer K. French: Thank you very much, Mr. Hahn, for joining us. You made reference to an analysis that CUPE has commissioned or arranged. Do you have a copy of that, or is that something that—

Mr. Fred Hahn: I did not bring a copy, but I can provide a copy to the Clerk of the Committee so that all the members of the committee could get a copy. I didn't bring one with me today.

Ms. Jennifer K. French: Is that something we can have?

The Acting Chair (Ms. Catherine Fife): Yes, we can make sure that—can you ensure that the legislative committee has it? Then we'll make sure that all members receive a copy.

Mr. Fred Hahn: I will do so, absolutely.

The Acting Chair (Ms. Catherine Fife): Do you have any additional questions?

Ms. Jennifer K. French: I do.

Certainly, on your point of universality, we agree that we want all Ontarians to benefit from a strong public pension plan. One of the things that I wanted to get your opinion on, because I see that going forward this is the third piece of legislation and there will be a fourth: Many of the important design details, not just when it comes to the government's proposed concept of comparability, but just design details in general, are going to be left to regulations, where those decisions, like the ORPP and other things, are going to be hidden away from public debate. If you could weigh in on perhaps encouraging the

government to maybe bring some details forward, and what those details would need to look like.

Mr. Fred Hahn: Certainly. Look, we would, as would many other stakeholders, be really interested in having a discussion about those details. But quite frankly, from our union's perspective, the very best way to spend our time and energy at this point is to be in federal negotiations on expanding the CPP. It is the very best pension system we have across the country. It is the jewel in the crown of public pensions, and not just in Canada; it's recognized internationally. It is the very best way to guarantee retirement security. That we're spending time and energy on this plan, which is non-universal and only impacts workers in Ontario, when we could be spending time and energy talking about how to make better the lives of all retirees across the country, just seems like not the best use of time, in our union's view.

Ms. Jennifer K. French: Further to that, you'd be familiar that in their most recent budget, it says, "The province's extensive consultations in developing the ORPP have helped to inform Ontario's view that a CPP enhancement must be timely and provide a level of adequacy and targeted coverage that is consistent with the ORPP."

So it would seem, based on that quote, that the government, in their quest for CPP expansion, also wants to weigh in on that and have it be targeted coverage, like the ORPP. Your thoughts?

The Acting Chair (Ms. Catherine Fife): Thank you. Sorry, you don't have a chance—maybe the next question.

Ms. Jennifer K. French: Yes, maybe the Liberals will let you.

The Acting Chair (Ms. Catherine Fife): The next set of questions comes from the government side. MPP McGarry?

Mrs. Kathryn McGarry: Thank you, Mr. Hahn, for coming in and speaking to us again. As you know, the ORPP is there to provide retirement security for life for over four million Ontarians. Certainly, we would agree that an enhanced CPP program would be best, and we are doing that work concurrently. I know you talked about making sure we're making the best use of time. You can darn well bet we're at the table with the other provinces and with the federal government to try and move that peg along.

In the meantime, as Ontarians, we really need to get on board. There's a severe deficit, as you know, of retirement savings across the province, and we need to look after those Ontarians who are not part of that plan.

I just really wanted to ask you about the survivor benefit. I'm sure you're aware of that plan, that under the ORPP, the survivor benefit that's similar to CPP will offer single individuals the option to designate a beneficiary, should they pass away before retirement. Can you comment about the benefit of ensuring that public plans like the ORPP include that survivor benefit?

Mr. Fred Hahn: Certainly. Thank you for the question. I just want to note that while the ORPP may include

four million Ontarian workers, it will exclude almost three million as a result of it not being universal.

The challenge we have in terms of the dual path that your government has taken is that in writing in the provincial budget, you've actually said that you will be advocating for CPP expansion modelled on the ORPP, which means that you would be advocating for a non-universal expansion of the CPP which, from our union's perspective, endangers the universal nature of that plan. In fact, it potentially two-tiers the CPP.

Plans like you spoke about, components of a plan like survivor benefits, are incredibly essential. Having those be part of an Ontario plan, should there ever need to be one, would be essential. But integrating with the CPP when the ORPP is non-universal will be challenging. A worker could, for example, work at a hospital and be part of the health care workers of Ontario pension plan. As a result of cuts to hospitals, they could be laid off and no longer a member of that plan. They may then be employed at a small business and have to be part of the ORPP. They may then lose that job and perhaps get a job at a municipality and be part of OMERS, and perhaps then be excluded from the ORPP again.

This in-and-out thing will not only be costly both in time and in money, but in terms of tracking that person, should there ever be an integration with CPP expansion, that person would be at a loss, we think. It's why we think it's really important, if the government's going to proceed on a model that is an Ontario model only, it should be absolutely modelled on the CPP, which means that it would be universally available.

Mrs. Kathryn McGarry: Actually, the ORPP is being modelled on the CPP—

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. Hahn, Ms. McGarry.

Next, the PC Party. MPP Martow.

Mrs. Gila Martow: Hi. Thank you very much for coming. I liked your red glasses, but I like this colour even better. I was an optometrist before. You might not know that, Mr. Hahn.

Laughter.

Mrs. Gila Martow: I want to ask you to imagine if the health care plan in the province wasn't universal, how that would have turned out—and I really hear what you're saying. We all know that if people were allowed to pick and choose what type of health care plan, the problem is that people will choose that gold-plated platinum plan for themselves, or a very successful business will choose it for their employees, but that means there's less money for the other plan and it won't be as successful. I just want you to expand on that, why it has to be universal, because I understand, but I'm not sure everybody else does.

Mr. Fred Hahn: One of the key components, as we've mentioned, about universality is that it means that everybody sees the benefits of a universal system. Those who can have incomes that allow them to save for their retirement might argue that they don't need a public pension plan, but if they participate in it and they benefit

from it, they'll support it. The reality is that 80%, 90% of people who live in this province require public pensions in order to survive in retirement, or they'd literally have to keep working until they die.

We have members who are personal support workers who work providing home care. I know a member in the city of Toronto who just turned 88 years old. She continues to work. Why is that? Because she never had a workplace pension plan and she simply can't afford to live in the city of Toronto on CPP alone. So at 88, she continues to work and continues to provide care.

I don't think that's a future that any of us wants to see, not just for ourselves but for our children. It's why we need expanded pension coverage and it's why that coverage needs to be universal, so that everyone is involved, everyone is contributing and everyone is participating and supporting that plan.

Mrs. Gila Martow: Well, we already have a universal plan. We have the CPP. I think you're well aware that our party supports expanding the CPP. There is too much overlap and bureaucracy if we're going to have a separate plan. Too much of the money doesn't get invested and grow; instead, it gets spent on that enormous bureaucracy. I just want to read very quickly—I think I have another few seconds.

The Acting Chair (Ms. Catherine Fife): One minute.

Mrs. Gila Martow: In the most recent budget, it said by "encouraging more Ontarians to save through a proposed new" ORPP, "new pools of capital would be available for Ontario-based projects such as building roads, bridges and new transit." That's why I believe they want to push ahead with this ORPP that I think will cost people a lot. They would have been far better off to have that money put into RRSPs, tax-free savings accounts or any other kind of investment if there wasn't a pension plan for them than to have the money go towards a slush fund for transit.

The Acting Chair (Ms. Catherine Fife): You have five seconds.

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Mr. Fred Hahn: Well, actually, there are lots of studies by actuaries that say that RSPs and other "saving mechanisms" don't produce retirement security. They're subject to the market, right?

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. Hahn, for attending.

Mr. Fred Hahn: Thanks.

CANADIAN INSTITUTE OF ACTUARIES

The Acting Chair (Ms. Catherine Fife): Next, I'd like to call the Canadian Institute of Actuaries up to the table. Welcome to the Standing Committee on Social Policy. Please introduce yourself for the Hansard.

Mr. Ian Edelist: Thank you. My name is Ian Edelist. I'm representing the Canadian Institute of Actuaries, as is my colleague, Michel St-Germain. Thank you to the committee for inviting us to speak today. I'm going to be delivering an about-five-minute presentation to you and

my colleague Michel St-Germain will be answering all of your tough questions, so don't be shy.

In my day-to-day role as an actuarial consultant to pension plan sponsors and administrators, my job is to ensure that Ontarians who participate in workplace pension plans receive the correct level of benefits that they've been promised and to calculate the amount of money that needs to be contributed into a pension plan to make sure that current and future retirees are paid for as long as they live.

The Canadian Institute of Actuaries, the national organization that through its 5,200-plus members serves the public through actuarial services and advice, is interested and appreciative to participate in formulating pension public policy in forums such as this.

There are three key points that we'd like to get across today in relation to Bill 186, the ORPP Act:

(1) There is a window of opportunity that exists to determine how much more retirement income for Ontarians and Canadians should come from public pension plans.

(2) The ORPP should be targeted to those who need it.

(3) We should be as uniform and efficient as possible when creating new pension structures.

On the first point, there is debate about whether there is currently a pension crisis. There is definitely a new environment that we have headed into: lower interest rates, increased lifespans and fewer employees covered by workplace pension plans. Canada has one of the best retirement systems in the world, and some of my fellow actuaries would note that Ontarians are likely to adapt to the new environment over time. But equally notable is that changes can be made to the current pension system to better handle the new environment.

We recognize Ontario's leadership in addressing the needs for pension reform and urge you to actively participate in the national debate on the expansion of public pension plans, with the recommendation that you take advantage of the window of opportunity and the current discussions among the provinces, work toward a national consensus and conclude these discussions as early as Christmas this year.

On the second point, the Canadian Institute of Actuaries released a public position paper in November 2015 and is about to release a second one—on Thursday, Michel tells me—on the expansion of public plans.

We note that the ORPP, through Bill 186 and the ORPP Administration Corporation Act, meets several of the conditions set out in our public position:

—no transfer of costs to future generations;

—the ability to adjust contributions and benefits in the future, including post-retirement inflation protection, as described in section 45 of the bill; and

—the ORPP has set up an independent governance structure through the administration corporation.

But other conditions are not met. In particular, the ORPP's design is not targeted toward middle-income earners, who have the greatest need.

Low-income earners are required to contribute with a minimum earnings threshold of \$3,500, as defined in section 15 of Bill 186. Studies have shown that the current public retirement system maintains or exceeds low earners' standards of living before retirement. Contributing to the ORPP for those low earners will merely result in a significant portion of their Guaranteed Income Supplement being clawed back. We would recommend a minimum threshold of 50% of the CPP earnings ceiling, which is about \$27,000 this year. There is no need to have the same minimum earnings threshold as the current CPP minimum earnings threshold since, even if there is agreement to take this plan nationally, the structure of this plan will be separate from the current CPP. As an example, the ORPP already has a different upper earnings threshold limit of \$90,000 in 2017.

On the third and last point, it's daunting for the average Ontarian to keep up with their RPP, ORPP, TFSA, RRSP and the rest of the pension alphabet soup, so the simpler and more efficient our retirement savings system is, the better. One way to do this is to have uniformity of public pension plans across Canada, including using existing structures as much as possible. However, this shouldn't disrupt the ability for workplace plans to continue to exist and to allow the private sector to continue to develop products for those individuals who want to save more.

Thank you for your time today, and Michel is eager to answer any questions that you have.

The Acting Chair (Ms. Catherine Fife): Thank you very much for the presentation. You ended a little early. Questions go to the government side. MPP Baker?

Mr. Yvan Baker: I just wanted to take this opportunity to quickly address something that had come up in the discussion just prior to you arriving. I'll be brief.

I wanted to clarify for all members and stakeholders right here that the funds that are gathered for the ORPP are going to be held in trust for members. So it won't be part of the Consolidated Revenue Fund and spent at the—that's in the bill. I just wanted to clarify that because it came up in the prior discussion. There may be some confusion.

Thank you very much for coming today. I wonder if you could tell us—I come from a business background. One of the things that I spent a lot of time doing, as part of my role as a consultant, was recruiting talent for the firm. I was wondering if you could tell me a little bit about what trends you're seeing in the labour market, specifically when it comes to pension coverage and savings for retirement.

Mr. Michel St-Germain: Thanks. I'll try to answer briefly.

There's no doubt that Canadian employers are very concerned, getting into the business of the retirement of their employees. There's been a decreased interest in this. That's one of the reasons why we acknowledge the need to transfer some of the pension responsibility to the government, simply because employers are unwilling to take on that responsibility.

I don't think this is going to come back. I think we are going to see a conscious erosion of defined benefit plans in the private sector. Having said that, there are measures that the government can take to slow down that erosion.

Mr. Yvan Baker: How do you think the ORPP will help address that retirement savings challenge?

Mr. Michel St-Germain: It reduces the risk that some people will not have saved enough when they reach retirement. That's one of the reasons why we are arguing that to manage this risk you need to target those who are the most at risk. Those people are those who are not currently covered by a pension plan and those of the middle-income group.

Those who are covered by a pension plan have adequate retirement, in most cases. Those at the lower end of the earnings level are adequately covered by the current array of benefits from the government. Furthermore, if we ask them to contribute to an additional plan, it is really detrimental to them because of the clawback effect of the GIS.

Mr. Yvan Baker: Thank you very much.

The Acting Chair (Ms. Catherine Fife): Moving on to the official opposition. MPP Martow?

Mrs. Gila Martow: I have my little timer now. Bienvenue, Monsieur St-Germain.

I have to address what he addressed, opposite me, which is that the concern isn't that the capital will be somehow syphoned off by the government. The concern is that it won't be invested in as high-yield investments as the CPP is, because we all know the CPP is growing and doing fantastic. It's not investing in transit in Ontario, unless it thinks it can get the best return for its customers.

Monsieur St-Germain, my question to you is this: Why do you think that this government is gung-ho to push through an ORPP, when experts such as yourself—and even hearing from union representatives—are raising huge, huge concerns?

Mr. Michel St-Germain: I can't answer for the government, but what I can tell you from our end is that this pension debate really started some five years ago.

The financial situation of Canadians has been analyzed and over-analyzed. Our view is that it's about time that we end this debate. I think there's an opportunity here, in part led by the Ontario government, which has decided to propose something specific.

I think it's time to end this debate and to move on to something else. That's the reason why we're willing—and we will propose in our paper examples of how public plans at the national level could be expanded.

Mrs. Gila Martow: I don't know if it's part of your upcoming report, which I'm looking forward to reading, but there's a big concern in Ontario, not just about people not saving enough for their retirement but that they're retiring with huge debt. That's the concern in Ontario right now. People are retiring because of illness, because of job layoffs, because they feel they're just too old and they don't want to work anymore, and they still have mortgages and they still owe on their credit cards.

There's no pension plan—we'll have to have a third pension plan to address that, if people are really retiring with that kind of debt. Does that concern you, the level of personal debt?

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Mr. Michel St-Germain: Well, actually, if you look at it, this is not a pension issue. That's what I find a bit troubling, in a certain way, in our society. We are focusing on pensions and we have been doing it for five years. We have forgotten that there's a lot of other crises at the social level: those who become disabled before retirement, those who suffer a divorce—in particular, a single woman who has to raise children—and those who lose their jobs. One of the reasons why we are pushing you to solve this pension problem, this pension debate, is so that we can move on to those other areas.

Mrs. Gila Martow: Exactly—that it isn't, strictly speaking, the biggest problem in our society.

Mr. Michel St-Germain: Well, I—

Mrs. Gila Martow: Not the only one.

Mr. Michel St-Germain: I won't rank the problems of this society and I do understand that you've got to solve them one at a time.

Mrs. Gila Martow: Thank you. Merci.

The Acting Chair (Ms. Catherine Fife): Thank you very much. This next set of questions will come from the third party. MPP French?

Ms. Jennifer K. French: Thank you very much for joining us today at Queen's Park.

You had had three main pillars in your presentation on behalf of, as you said, your 5,200-plus members. In your third point, you were talking about uniformity, but I'm afraid I wasn't clear on what your focus—if you could expand on that.

Mr. Michel St-Germain: Sure, of course. It is the point that, to find a solution to the retirement of Canadians, there are a lot of advantages in doing it nationally. The retirement needs are no different in Ontario than in other provinces. There are a lot of Canadians moving between provinces and there exists now a pretty efficient government structure that runs the CPP, that receives contributions, administers benefits and, frankly, invests the money. We would like to encourage you, recognizing the leadership that Ontario is taking, to use what is at the national level. That is an efficient structure.

Ms. Jennifer K. French: Thank you. Further to that—and we talked about it earlier, how in the budget the government had put forward that they are hoping, in their view, that CPP expansion would “provide a level of adequacy and targeted coverage that is consistent with the ORPP”—when you talk about uniformity and you talk about the established CPP and its benefit, what are your thoughts on the idea of a targeted approach to CPP expansion?

Mr. Michel St-Germain: As we've said, it should be targeted where the risk is the greatest—

Ms. Jennifer K. French: The CPP expansion, as opposed to ORPP.

Mr. Michel St-Germain: The CPP expansion, correct. It should be targeted to those who are the most in need of additional savings. This would be those around the average income. When we say CPP expansion, one of the things that we will put in our report is that it has to be distinct from the CPP. This is going to be a very different plan. We want it to be fully funded. We don't want to transfer any of the costs to the next generation. You may want to use the word “CPP,” but to Canadians or Ontarians it should be very clear that it is a different animal. Contributions will not be the same and contributions will vary a lot more than CPP contributions.

Ms. Jennifer K. French: Thank you. One of the things you had also mentioned is you said it's about time that we had this debate. I've brought this up before, but a number of the design details are going to be left to regulation. Even after the fourth piece of legislation that will be coming forward eventually, a lot of the fine details will be left to regulation. Do you have thoughts on that?

Mr. Michel St-Germain: Well, if I can make one comment, we're still waiting for the analysis that I'm sure has been done in terms of the cost of the plan. We understand that the cost is 3.8%. We would like to see the details of that.

The Acting Chair (Ms. Catherine Fife): Thank you very much. Sorry; that was one comment. Thank you very much for coming to the Standing Committee on Social Policy.

CANADIAN CENTRE FOR POLICY ALTERNATIVES

The Acting Chair (Ms. Catherine Fife): Next I'd like to call up the Canadian Centre for Policy Alternatives. Welcome. Can you please introduce yourself for Hansard. You have five minutes for your presentation, followed by three minutes each for each party for questions.

Ms. Sheila Block: Hi. My name is Sheila Block. I'm senior economist at the Canadian Centre for Policy Alternatives, Ontario office.

I am very happy to have the opportunity to speak with you today about Bill 186. The ORPP is the most significant improvement in retirement security since the introduction of the CPP in 1966. Given the changing nature of the labour market, an expansion in public pensions is really the only way to increase security for future retirees.

Over the past 50 years since that introduction of the CPP, much has changed in the labour market. Fewer private sector employers are willing to take on that multi-generational responsibility associated with workplace pension plans. As a result, fewer workers are members of such plans. Only 40% of Ontarians are members today, and in the private sector, less than 25% of workers have an employer-sponsored pension plan.

Given additional changes in the labour market, fewer workers will work for the same employer long enough to

collect an adequate pension, even if one is offered. As a result, workers can rely less on employers for retirement security. This requires action from governments. The Ontario government should be commended for recognizing the retirement income problem and posing this solution.

The ORPP will be impressive in its coverage: 450,000 employers, 4.5 million workers and annual revenues of \$6 billion. It will become one of the largest pension plans in Canada. What's important to understand is that the size and scope of the plan will increase retirement security for its members.

Saving for retirement is complex and it's risky. There are risks associated with investment returns. There are risks about how long you will live after retirement, and on the other hand, there are risks about whether you will live long enough to retire. There are risks associated with the impact of pre- and post-retirement inflation on the value of pensions. There is a very real risk that a private sector plan sponsor will go bankrupt and leave an underfunded plan. All of these and more risks are ones that we are much better off facing together in a public plan like the ORPP than we are on our own.

Retirement savings plans like this are also complex to administer. You need to keep track of plan members, you need to keep track of their retirement benefits and their family status, and this is over very long and sometimes multi-generational periods. Further funding needs to be secured over very long periods, and legislation must be complied with.

These risks and administrative costs are the reason why an expansion of public pensions is the most efficient way to increase retirement security in the 21st century.

There are a number of reasons why public pensions are more efficient and more effective at providing retirement security. They spread both longevity risk and retirement risk over a larger population. This reduces costs and increases potential investment returns. Public pensions also spread administrative costs over a larger population, further reducing the costs of any benefits.

Not all pension plans provide true retirement security. To do so, pension payments must be guaranteed to last throughout your retirement, they must be inflation-adjusted to maintain their value, and they must be large enough for adequacy. The ORPP will provide many of the benefits associated with public pension plans and has many plan features that are needed for retirement security.

However, there are two serious limitations to the plan: It's not universal and it's not national. Many Ontarians will seek employment in other provinces and possibly return, and they'll have a patchwork of ORPP coverage. Universality is even more key for retirement security. There is potential for even more of a patchwork of ORPP coverage, as people can move in and out of the plan through their working lives as they move into and out of employment with employer-sponsored plans.

As both the government and progressive pension advocates agree, a meaningful expansion of the CPP would be the best option to improve retirement security

for Ontarians and all Canadians. However, we cannot and we should not wait until there is agreement on an expansion of the CPP, to act in Ontario. The establishment of the ORPP in Canada's largest province will provide an example and an incentive for others to act, and it will provide increased pensions for Ontarians until that CPP expansion occurs.

The following amendments would strengthen the plan. We would ask that the government work with its federal counterparts to amend the Income Tax Act regulations to allow the plan to include the self-employed, and then enact regulations that will expand ORPP coverage to self-employed—

The Chair (Ms. Catherine Fife): Thank you, Ms. Block.

Ms. Sheila Block: Oh, dear. Okay, sorry.

The Chair (Ms. Catherine Fife): That's okay. You have three minutes of questioning. It comes from the official opposition. MPP Coe?

Mr. Lorne Coe: Thank you for your delegation. It was very extensive. I'm sure you're aware of this, but I just want to quote some information from the Canadian Federation of Independent Business in Ontario. They say that for seven out of 10 small businesses which were part of their survey, this particular plan would force them to freeze salaries, and more than half reported they would have to eliminate positions to deal with the added cost.

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How do you reconcile your perspective on this with that particular opinion and juxtapose the state of the economy here in Ontario?

Ms. Sheila Block: I think opinion research is absolutely that: opinion. It's not evidence.

I think it's important to understand that labour markets work in a complex fashion. You have current earnings and you have deferred earnings. What this is proposing—and we have to remember the government was elected on this promise. The people of this province have indicated that they want some help with their retirement savings, and they want to receive government help to do that through a mandatory plan.

Mr. Lorne Coe: To my colleague, please, Chair, through you. Thank you.

Mrs. Gila Martow: I think people want a free ride, to tell you the truth. I think that a lot of the people who did support it—and you're right that people did vote for this plan. But then, when they're being told, "No, you're going to have pay your fair share. Your employer is going to have to pay, but you're going to also have to pay," they say to me, "No, no, no. That's not what I voted for."

I think that what I'm hearing now from a lot of people in the public is that they want to have a safe, secure retirement, but also be able to move from province to province. Does that concern you, if we have an ORPP instead of focusing on an expanded CPP, that it will be more difficult for people to move in and out of Ontario?

Ms. Sheila Block: I guess I'm not sure that it's an either/or position here. My understanding from all the government's public positions is that if there actually is

an expansion of the CPP, the ORPP will be rolled into it. So I think, really, the question is, how do we increase retirement security for Ontarians?

The first choice is absolutely a CPP expansion, and I think you've probably heard a lot about why that would be a good idea. But if that doesn't occur, the retirement income crisis that we're facing in Ontario really needs some action.

Mrs. Gila Martow: I'll just end by saying, as the previous speaker said, that it's not so much a crisis because of pension, but a crisis because of either lack of good jobs, too much debt or other crises, as well.

The Acting Chair (Ms. Catherine Fife): Thank you very much. The time has elapsed.

The next questions will come from the third party: MPP French?

Ms. Jennifer K. French: Thank you for joining us. You were just starting to list the amendments. You had gotten as far as the Income Tax Act regulations and the self-employed. So if you want to briefly get those on the record—

Ms. Sheila Block: Thanks so much. Sure.

So the other thing is to increase the comprehensiveness of the plan by introducing an amendment or regulation that will allow commuted values from private pension plans in Ontario to be used to purchase service in the ORPP.

The next one is to ensure coverage for Ontarians in federally regulated industries. That would allow a further 220,000 Ontarians to participate.

Then, we have to state that, really, the comparable plan exemption is really problematic in terms of policing issues and in terms of retirement security. At least eliminating the comparable plan provisions for the defined contribution plans would be really desirable.

Ms. Jennifer K. French: You had also listed three important things to consider on the delivery side: I'm misquoting you here, but the guaranteed nature of the delivery, adjusting for inflation and that the payments are large enough to sustain.

Their budget states that the administration of the ORPP may be delivered using third-party delivery partners. All of that remains to be decided in regulations. Your thoughts on the delivery model and concerns there?

Ms. Sheila Block: I think what's really important is scope and scale, because you're just kind of spreading those costs over a larger group of people, so the cost per person is reduced.

In terms of private sector delivery, I'd want there to be a lot of care taken, in terms of the costs associated with that, to see in what way it could be delivered that actually delivered those efficiencies from the economies of scale and to make sure that none of those were lost as a result of, perhaps, high consulting fees or high investment management fees.

Ms. Jennifer K. French: Yes. I'm looking forward to watching that unfold as well. I think it's important to get our thoughts on the record because all of that will be left to regulation and behind closed doors, potentially.

Anything else that you'd like to add?

Ms. Sheila Block: No, thank you.

Ms. Jennifer K. French: Okay. Thanks.

The Acting Chair (Ms. Catherine Fife): Thank you, Ms. Block.

Next set of questions: MPP Anderson.

Mr. Granville Anderson: Thank you very much, Ms. Block, for laying out the CPP presentation so well and so thoroughly. I see that you're a senior economist. Do you have a little bit that you wanted to finish up?

Ms. Sheila Block: I did have a few things around the suggested amendments to the plan. I think what I can just add is, although we really think that those amendments would improve the plan, those suggestions should not take away from the major advance in retirement security that this plan will provide. I just want to leave you with that thought.

Mr. Granville Anderson: Okay. Can you comment on what a strong public pension plan like the ORPP would do for jobs and economic growth? We have been hearing from the opposition that this is a job killer etc.

Ms. Sheila Block: I think we find there's an argument that anything that increases workers' wages, whether it's deferred wages in terms of pensions or whether it's current wages in terms of an increase in the minimum wage, is going to have a terrible impact on employment and on the economy. Really, the evidence that we've seen—and we have seen a lot of it from the minimum wage debate—shows us that, in fact, it doesn't have these terrible impacts on employment and that, in fact, those impacts can, in some ways, have a little bit of a positive impact on aggregate demand.

But the big things that have an impact on employment in Ontario are things like what is happening to the manufacturing sector, and where the Canadian dollar is at, and those macro factors really will drive economic activity and, therefore, the labour market.

Mr. Granville Anderson: Yes. During the election—it's quite clear that our position hasn't changed on what the voters voted on: that it would be a plan shared equally by employers and employees. So that hasn't changed. The opposition alluded to the fact that what the people voted for is not, indeed, what they're getting.

Would you like to elaborate on that, please, for the record—that, in fact, we haven't changed our position since the election?

Ms. Sheila Block: I'm not aware of any change. I don't think that I've committed your platform to memory, but as I recall, I think that it was a contributory plan.

Mr. Granville Anderson: Yes, that's right. I just wanted that for the record, that that hasn't changed and our plan has remained the same.

Ms. Sheila Block: Okay.

The Acting Chair (Ms. Catherine Fife): Okay, thank you very much, Ms. Block. I'm sorry, the time—

Mrs. Kathryn McGarry: Chair?

The Acting Chair (Ms. Catherine Fife): Yes, a question?

Mrs. Kathryn McGarry: Sorry, was there more time left?

The Acting Chair (Ms. Catherine Fife): Ten seconds.

Mrs. Kathryn McGarry: Okay. Thank you for coming.

Ms. Sheila Block: Thanks a lot.

CARP

The Acting Chair (Ms. Catherine Fife): Next, I'd like to call up CARP, please, the Canadian Association of Retired Persons. Please identify yourself for the record.

Ms. Wanda Morris: Thank you. My name is Wanda Morris. I'm the vice-president of advocacy and the COO for CARP, the Canadian Association of Retired Persons.

CARP believes that the government has a critical role to play in ensuring retirement security for all Canadians, but we have significant reservations about the ORPP. It is not universal and it is not national.

CARP would strongly urge this government, as a matter of great priority, to work with the federal government, first of all, on CPP enhancements. We would like to encourage the government to make sure that every effort is made to be a part of a CPP enhancement before proceeding with the ORPP, even to the extent of perhaps considering some trade-offs.

CARP believes that in Canada, we are at a unique place, where the federal government and the governments of the provinces are such that it is possible to obtain the two-thirds majority of provinces and two-thirds majority of population needed to amend the act and upgrade the current Canada Pension Plan. We would be extremely disheartened if this government didn't make every effort to work with the federal government and ensure that an enhanced government plan was available to all Canadians.

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Also, we are opposed to the idea of a duplicate bureaucracy for the ORPP, if anything can be done instead to simply have a CPP enhancement. That said, if the government has truly and deeply and sincerely made every effort to work with the federal government and enhance the CPP and that has failed, then we are strongly supportive of the ORPP.

We have surveyed our members. CARP has 300,000 members and 60 chapters across the country. Our members are strongly in support of an enhanced government pension plan. I'd like to just share a few of the details from our survey. Right now, while CARP typically has a demographic that is above average in terms of both education and income, 39% of our poll respondents noted that their retirement savings were not what they had hoped they would be, either through unplanned early retirements or through investment issues or other problems.

Other key issues: Two thirds of our members felt that the current Canada Pension Plan contribution of 25% was simply too little and 89% of members polled wanted the federal government to enhance the CPP. In terms of the pooling of the plan, the great majority of our members do

not support the plan having residual assets going to the estate, but instead wanted the assets to remain in the plan to help ensure its sustainability. Ninety-one per cent of our members polled believe that the plan should be mandatory for both employers and employees, and they would eliminate any element of opt-out. When specifically asked about whether there should be an opt-out for employers with a complementary plan, only 3.5% supported the idea of an opt-out.

While many, in fact most, of our members would not be in a position to benefit from an increase to either a CPP or an ORPP plan, there was strong, strong support for such an enhancement, with less than 10% of our members feeling that the younger generation is saving enough, many of them being concerned about their children and their grandchildren and that nasty trifecta of precarious employment, high student loan debt and raging house prices. Fifty-eight per cent of our members said that they would not have saved enough for retirement without the CPP, and given the changing pension landscapes in Canada, which we've heard other presenters refer to, the situation is only going to get worse.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Ms. Morris, for your five minutes. This round of questioning will begin with the third party. MPP French?

Ms. Jennifer K. French: Thank you very much for joining us today and for your presentation on behalf of your very active membership.

One of the things that you were talking about—and we fully take your point on the CPP enhancement being the first and best option, but you had also mentioned because that's for all Canadians.

I hate to harp, but I am stuck on this point from their budget, where this government is recommending that the CPP enhancement be targeted coverage consistent with the ORPP. For that targeted piece, I worry that that isn't for all Canadians.

What are your thoughts on that, that CPP enhancement, in the view of this government, should be targeted?

Ms. Wanda Morris: Sorry. Just help me understand: Who would be missed out in the target?

Ms. Jennifer K. French: I'm not sure, because to this point, we've heard from the beginning of the ORPP discussion that the ORPP would be modelled after the CPP, as best it can be. However, in the budget we see that it's in the opinion of this government that any CPP expansion be targeted and consistent with the ORPP.

Ms. Wanda Morris: I would say that we would reject that, to the extent that there are differentiations in plan design between the ORPP and the CPP. The key one I'm thinking of is the availability in the current ORPP proposal of employee/employer opt-outs in the event that there is a "comparable plan." I think the history of Canada is littered with employers that at one time looked blue chip and gold-plated and later on ended up in the bankruptcy courts.

Ms. Jennifer K. French: Okay, thank you. A number of your members—was it 300,000?

Ms. Wanda Morris: Yes.

Ms. Jennifer K. French: Okay, so none of your members, to my way of thinking, would be covered by this plan, or very few. Do you have a percentage?

Ms. Wanda Morris: There are a number of our members who are still working. It's unlikely that they would be working long enough to substantially benefit from the plan, so in general they're looking out for future generations rather than for themselves.

Ms. Jennifer K. French: So those numbers of people who support this plan are supporting it on behalf of the rest of Ontarians.

Ms. Wanda Morris: Yes. CARP members have a long history of being supportive of pension enhancement for future generations, I think speaking to the reality of their own retirements and the recognition of perhaps not having saved enough or not having the wherewithal to do what they would like in retirement—

The Acting Chair (Ms. Catherine Fife): Thank you very much, Ms. Morris. Thank you, MPP French.

This next set of questions comes from the government side. MPP Vernile.

Ms. Daiene Vernile: Wanda, welcome to Queen's Park. Thank you very much for sharing your comments today and representing and advocating on behalf of CARP. I was just telling my colleagues how excited I am now that you've lowered the age at which you can join CARP; I'm now old enough to join your group, which I will be doing.

Ms. Wanda Morris: Great.

Mr. Yvan Baker: I'm a member too.

Ms. Daiene Vernile: What, really?

Mr. Yvan Baker: Yes.

Ms. Daiene Vernile: You're not old enough. Come on.

Laughter.

Ms. Daiene Vernile: Wanda, you stated quite emphatically that you would like to see a better national plan; you'd like to see enhancements to the CPP. I will agree with you that that is what we would like to see also. We're very encouraged to see that we have a new federal government that has committed to doing this.

In the meantime, while we wait for that to happen, we wanted to move forward. You know that we need two thirds of the provinces to agree on enhancing the CPP, so while we wait for that, the other option is to do nothing, and that was just not a choice; that's not a road that we wanted to go down. We are looking at, in the event that the CPP comes along, integrating our system with theirs. So I want you to know that we have agreement on that and we're working very hard toward that.

I want you to fast-forward into the future and tell me what you see for Canadians if we don't have enhanced, better retirement for seniors.

Ms. Wanda Morris: I think that right now we have a looming retirement crisis and, while I strongly and emphatically support an expanded CPP, an ORPP is certainly far preferable to nothing.

Ms. Daiene Vernile: Okay. So for seniors, when they do have extra money in their pockets, what do they typically do with this?

Ms. Wanda Morris: I'm such a supporter of an expanded government role in pensions, not only because of the lack of pension plans available and the increasing dearth of them, but also because we haven't really talked about what happens with investors self-investing and our rules around investor protection, which are patchwork, which are haphazard and which have left all too many seniors hanging in the wind, as they have advisers who have made investment recommendations that have not been in their best interest and, best case, have left them with a high investment cost, and in some cases have deprived them of their savings, their livelihood, their health and, in some cases, their lives.

Ms. Daiene Vernile: We've heard some critical voices say that when it comes to retirement, "That's your problem; you should have been saving all your life." When you hear comments like that, how do you respond?

Ms. Wanda Morris: As a chartered professional accountant myself: We don't ask people to solve their own medical problems. We don't ask people to provide their own dental care. We don't ask people to become their own lawyers. Yet we assume that people have the financial wherewithal and the numerical literacy to be able to deal with complex financial transactions and investments. I think government has a strong role to play.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Ms. Morris. MPP Coe.

Mr. Lorne Coe: Thank you, Chair, and through you, thank you, Ms. Morris, for your presentation. I have your April 14, 2016, news release in front of me and it says, "The Ontario government's ORPP announcement: Good but not great." Do you still agree with that?

Ms. Wanda Morris: I do.

Mr. Lorne Coe: All right. You go on further to say, "CARP believes retirement income security is a national issue urgently in need of a national solution." Do you still agree with that?

Ms. Wanda Morris: I do.

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Mr. Lorne Coe: Continuing, the Canadian Taxpayers Federation says of the plan that it "will do nothing to help older workers facing retirement." Do you agree with that?

Ms. Wanda Morris: I'm not sure of the details in terms of the trade-off. I know that many of our CARP members are 50, 60 and beyond and some of them are working well into their 80s. But as a general rule, I think the plan will benefit our younger citizens more than our older ones.

Mr. Lorne Coe: There are other seniors' organizations that don't necessarily share the opinion that CARP holds. But we'll leave that for another day. To my colleague.

Mrs. Gila Martow: My question is, have you asked your membership if they understand that lower-income earners are going to be losing the income supplement

from the CPP if they get the ORPP? They'll have to spend their money to get the ORPP, because it will be taken off their earnings when they retire, but now, because they're going to be getting the ORPP, they will be losing that income supplement.

Ms. Wanda Morris: What we have found is that most of the individuals who receive the Guaranteed Income Supplement—typically the situation is a woman who has spent much of her life out of the workforce, so this isn't, I think, a major issue for our members.

Mrs. Gila Martow: So you're not concerned about the fact that there is going to be a big cohort of people who are going to be paying into the ORPP who are not going to be able to gain anything back from it. That group will be paying into the ORPP and, as you said, not everybody is so investment-savvy. Do you feel that people will feel a little bit bitter, that they'll feel that they've paid in and are not getting?

Ms. Wanda Morris: I haven't polled our members on this subject so I'm not able to speak for them, but what I can say is that I can see the dilemma between the current threshold and the level that it is and asking people to participate at that level.

On the other hand, being aware of many individuals in the younger generation who are working several jobs, who are precariously employed, if we say that we should raise that minimum level, somebody who's working perhaps two or three jobs may find that they're never in a position to qualify. So I would say I see both sides of that argument.

Mrs. Gila Martow: You still prefer an expanded CPP?

Ms. Wanda Morris: I have a strong preference for an expanded CPP.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Ms. Morris. That concludes this round of questions.

SOCIETY OF ENERGY PROFESSIONALS

The Acting Chair (Ms. Catherine Fife): Next, I'd like to welcome the Society of Energy Professionals up to the front, please. Just as a reminder, you'll have five minutes to present and then three minutes of questions from each party, beginning with the government side.

Ms. Laura Brownell: Thank you. My name is Laura Brownell. I'm staff representative at the Society of Energy Professionals and responsible for the pension file. I'm speaking on behalf of our president, Scott Travers, today.

The Society of Energy Professionals appreciates this opportunity to speak to you about Bill 186. The society represents over 8,000 professional employees at almost every public and private company with a significant number of employees in Ontario's electricity industry, including Ontario Power Generation, Bruce Power, Hydro One, the Ontario Energy Board and several others.

The society believes that the ORPP has the potential to be an important step forward in improving the retirement

security of Ontarians. Two thirds of working Ontarians do not have a workplace pension plan. Existing government programs are not adequate, especially for middle-income earners. Working Ontarians are not saving enough to fill the gap.

A well-constructed ORPP can provide a significant improvement in retirement security for over four million Ontarians. This is important not only for their personal well-being but also for the good of society as a whole. Studies have shown that stable, secure, indexed, lifetime pension benefits give seniors the confidence they need to engage in the spending that is essential for a healthy economy.

A public pension plan is a much more efficient way to provide such benefits than the current significant reliance on individual savings. Few individuals have the expertise required to make good investment decisions. Individuals must assume a maximum lifespan in order to ensure that they do not outlive their money. A well-designed public plan can pool these investment and longevity risks, so that it takes fewer dollars of investment to provide a given level of benefits.

A public pension plan is also more secure and reliable than workplace pension plans. Employers are increasingly opting away from offering defined benefit plans because of the challenges of funding and administering them. Also, workers can experience significant reductions in pension benefits in the case of employer insolvency. A public pension plan is needed to fill the gap.

The ORPP, as outlined in Bill 186, has some excellent design features. It aims to provide an indexed, defined lifetime benefit and as such is a significant enhancement to the existing mandatory Canada Pension Plan benefit. The ORPP will be one of the largest plans in Canada and as such will benefit from economies of scale, risk pooling and enhanced investment opportunities.

There are, though, some features of the ORPP in its proposed form that are of serious concern. You've heard many people say today, and I will say it again, that the major shortcoming of the plan in its current design is that it is not universal. We do need a national plan. The requirement that employers not necessarily participate if they have a comparable workplace plan creates a multitude of problems. Workers who have multiple employers during their working lives will have to deal with a patchwork of retirement arrangements, and there are many costs and risks associated with enforcement and compliance. I would also note that self-employed and federally regulated workers are currently excluded from the ORPP, and we see that as a problem as well.

The first choice for the Society of Energy Professionals would be an expansion of the CPP. As a mandatory universal plan that provides a defined, indexed lifetime benefit, it addresses all of our concerns in a fully satisfactory manner. The society strongly encourages the province of Ontario to continue to work with the provinces and the federal government on the important goal of expanding the CPP.

But we cannot afford to wait for CPP expansion. The society believes that the government is doing the right

and necessary thing by moving forward with an ORPP while CPP expansion efforts continue, but asks that the government seriously consider improvements to the ORPP that would address our concerns about coverage and universality.

We ask that you seriously consider the costs and risks associated with the comparable workplace plan exemption and at least take steps to mitigate them. We ask that you work with the federal government so that self-employed and federally regulated workers can participate in the ORPP. We ask that you provide a portability mechanism so that workers can avoid the pension patchwork by transferring assets from comparable workplace plans into the ORPP.

Finally, the society has been pleased to be part of the labour movement's involvement with this very important issue. We look forward to the continued meaningful participation of labour in the form of appropriate representation on the ORPP Administration Corp.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Ms. Brownell. Questions will come from the Liberal side. MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much for joining us this afternoon.

Ontarians voted for a secure retirement in the last election. The ORPP is designed to provide plan members with a 15% income replacement after 40 years of contributing to the plan. We've also got a provision there so that survivor benefits to surviving spouses will be included, including the opportunity to offer the option to single individuals to designate a beneficiary, which we think is a key part of the plan. I also want it noted too that the proposed Bill 186 clearly states how the funds will be managed. The funds will be managed and invested by an independent arm's-length administration corporation, and the government will not be determining where or how the funds are invested.

In saying that, we recognize that our preference as well was to have an enhanced CPP program, but the reality is we need two thirds of the provinces and territories, and that has yet to happen. In the meantime, we wanted to ensure that we do go forward with this.

Can you comment on how the retirement savings landscape has changed over the last number of years?

Ms. Laura Brownell: Certainly as the mother of two millennials—

Mrs. Kathryn McGarry: I get that.

Ms. Laura Brownell: —I'm very proud of my children's achievements, but also worried every day about the trend towards precarious employment, about the fact that there might be multiple employers or careers. I think it's going to be incredibly important to create a public pension plan that is efficient, that is properly funded and that will give them something that is portable and that they can take with them as they go from job to job and try to make their way in this changed world.

Mrs. Kathryn McGarry: How do you think enhancing retirement security through the ORPP will benefit Ontarians, especially those in their senior years?

Ms. Laura Brownell: For those moving into their senior years, the benefit is clear. You've outlined the design elements that will provide a greatly enhanced defined benefit lifetime pension as people age. But for current seniors today, clearly the plan in its current design is not meant for them. There will be other measures that might be required to help those that are in need in that group.

Mrs. Kathryn McGarry: Again, when it comes to the plan itself, those that contribute for these years can have a beneficiary named, so that will certainly benefit those.

What would the landscape look like if we did not move forward with enhanced retirement benefits for our seniors?

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Ms. Laura Brownell: Well, to the extent that we do not provide a public plan that provides a defined lifetime benefit, people are left to their own devices to invest. Study after study has shown that, as the phrase goes, the bang for the buck from a defined benefit plan is much greater than if people are left to invest on their own, for all the reasons that you've heard today: investment risk, longevity risk, people who don't have the expertise.

The Acting Chair (Ms. Catherine Fife): Thank you, Ms. Brownell. Next we'll go to the official opposition. MPP Martow?

Mrs. Gila Martow: Thank you so much for coming in. I think that it's quite clear. This is our second time around, actually, discussing this bill here. Some of the same experts come in, very experienced people, and they say that if it's not universal, it doesn't work. It's the same thing as with the health care plan: We all know that if people who can afford a better plan buy a better plan—which we know that a lot of employers have better plans than any plan that the province is going to come up with. If they're going to have to give up their better pension plans for this lower plan—so we're taking a huge cohort and we're giving them less money in retirement and then we're giving other people more money in retirement. How are we really further ahead if we go ahead with this Ontario plan if it's not universal?

Ms. Laura Brownell: I'm not sure I understand your question.

Mrs. Gila Martow: If it's not a universal plan, it's not a great investment. It doesn't really work. Do you feel it works if it's not a universal plan?

Ms. Laura Brownell: We certainly prefer a universal plan.

Mrs. Gila Martow: Well, maybe explain to us why.

Ms. Laura Brownell: It's more efficient.

Mrs. Gila Martow: We know that. Exactly. So it's more efficient and it's a better investment.

Ms. Laura Brownell: But we disagree with you in saying that it doesn't work if it's not universal. I truly believe that universality is a huge challenge and a huge requirement, because I think just the costs and risks of trying to enforce and monitor the comparable plan issue is a problem. Plus there's the huge concern about

whether defined contribution plans can even begin to provide the same level of security. Is that a design flaw? Yes, I believe it is. Do I believe it's a fatal flaw? I'm not sure we're there yet.

Mrs. Gila Martow: A lot of people raised a concern to me as well which we haven't heard today, which is that a pension plan isn't necessarily transferable. It's not an inheritance that you leave to your children. If, unfortunately, you retire and pass away soon after, it's not like your RRSPs or tax-free savings accounts, which you can leave to the next generation. So a lot of people say to me that they kind of like having the CPP and they'd like to see an expanded CPP, even, but they like that they still have some of their own money to invest and leave for future generations.

Ms. Laura Brownell: Well, again, I think you just have to look at adequacy. The CPP in its current form is not adequate and does need to be enhanced, if not through a national expansion of the CPP then through provincial add-ons, if that's what we have to do. There's nothing to stop people from saving money and leaving it to generations, but for the many, many people who can't afford to save large sums of money and for the economy as a whole, having secure, indexed, lifetime pensions is going to be incredibly important and we must increase that component.

Mrs. Gila Martow: If they can't afford to save for their retirement, how are they going to be able to afford to lose part of their income for this Ontario pension plan?

Ms. Laura Brownell: Again, it's the bang for the buck question. I mean, I've heard the argument that if people are forced to pay 1.9% into the ORPP, they won't save that 1.9% on their own. I think that's a good thing.

The Acting Chair (Ms. Catherine Fife): Thank you very much. The next round of questions goes through the third party. MPP French?

Ms. Jennifer K. French: Don't leave. And welcome. Thank you for your presentation. Far be it from me to defend the government plan, but I think in terms of survivor benefits, with this particular pension vehicle being different from the CPP, that is one area that sort of speaks to the point that was made before me.

But anyway, you said that you were the parent of two millennials.

Ms. Laura Brownell: I am.

Ms. Jennifer K. French: I will assume a few things about their employment journeys, just based on what we see in the greater community. Could you weigh in on what you've commented on here in terms of how, after someone has worked for their entire working life, they would have to deal with the resulting patchwork of retirement arrangements? With what you're seeing now with the youth who are working who will benefit from this plan, why is that problematic? What would that look like?

Ms. Laura Brownell: I'm sorry; it's the patchwork that's created if we don't have one? Is that what you mean?

Ms. Jennifer K. French: Sorry. You have said in here that part of the problem is that it isn't universal and

therefore we're going to see that patchwork arrangement. What might that look like?

Ms. Laura Brownell: Well, there's also a proposal in here for addressing that—

Ms. Jennifer K. French: Okay.

Ms. Laura Brownell: —that many of us have been discussing and enhancing, and I think it's going to be very important. I hope the government takes seriously the concept of people being able to take the commuted value if they're in a comparable plan and they move into a place where there's ORPP coverage or not, but just to be able to take the CPP, put it into the ORPP so that they've got one cheque at the end of their working lives.

Ms. Jennifer K. French: Also, you have mentioned here as one of your suggestions to provide a portability mechanism.

Ms. Laura Brownell: That's what I was referring to.

Ms. Jennifer K. French: Okay. I'm curious to find out the specifics of what you recommend or what that would look like. Is that in a further submission?

Ms. Laura Brownell: There is a group that is working on that concept, and we're very much hoping to engage the government on that.

Ms. Jennifer K. French: I'm very much looking forward to seeing that. It would be great.

The last part, your comment on the ORPP Administration Corp. and what you consider would be appropriate representation on that administration corporation—what might be appropriate?

Ms. Laura Brownell: Labour has had a huge role in talking about developing this policy. We're very excited about seeing it going forward. We currently have a representative on the small administration corporation. We think it's going to be critically important for the purpose of transparency and ongoing input to make sure that labour is involved and present on the expanded administration corporation.

Ms. Jennifer K. French: I certainly think that's a good idea as they go forward to make sure that you're clear on what that appropriate would be, not just leave it up to their interpretation—

Ms. Laura Brownell: We like the ratio as it is right now.

Ms. Jennifer K. French: Okay. If there's anything else you'd like to further expand on?

Ms. Laura Brownell: That's all, thank you.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Ms. Brownell, for attending.

HUGH MACKENZIE AND ASSOCIATES

The Acting Chair (Ms. Catherine Fife): Next, I'd like to call Hugh Mackenzie and Associates. If you'd please enter your name into the Hansard.

Mr. Hugh Mackenzie: Hugh Mackenzie, principal with Hugh Mackenzie and Associates. Faced with the dilemma of reading really quickly or leaving some things out, I'm going to opt to leave some things out and hope I have a bit of time at the end.

I've been involved with the pension system in Canada for more than 30 years, more than 20 years of it as a pension negotiator and adviser to the Steelworkers union and for the past 14 years as a board or advisory board member with three major pension plans: the Ontario Public Service Pension plan, the Ontario Teachers' Pension Plan and the Canada Post pension plan.

In those roles, I've had a front row seat as Canada's retirement income security system, as it relates to employees in the private sector in particular, has evolved from disappointment to failure. A registered pension plan system that never covered more than 50% of Canadian employees now offers a defined benefit pension plan to fewer than one in eight employees in the private sector. When you take into account the fact that a significant proportion of those—that one in eight—is either in multi-employer pension plans or single-employer plans that have already been closed to new entrants, the proportion of employees now covered by active, single-employer-sponsored pension plans is vanishingly small and shrinking.

Canadian workers need an expanded public pension system to support their retirement income needs because the record over the past 50 years has shown that for all sorts of reasons the privately based system is just not up to the job.

Ideally, that would take the form of a meaningfully expanded Canada Pension Plan. But as we head towards the latest attempt to find consensus among the C/QPP partners, meaningful expansion of the CPP faces very long odds.

The ORPP is a second best, but before I get into the areas in which I think it could be improved, I want to stress that it is a very good second best. Even as it currently stands, as an imperfect model applicable only to Ontario, the ORPP is the most significant, positive development in Canada's retirement income system since the C/QPP took effect in 1966 and represents a great start in the evolution of our retirement system towards one consistent with the needs of today's employees.

Having said that, I want to address two issues which, if dealt with, would not only make the ORPP better, but would give us a plan that could more easily be integrated into a future CPP expansion, and those have to do with universal coverage and portability, themes that you've heard many times today, I'm sure. I've certainly heard people mention them a couple of times.

The two key problems with the current workplace-based pension system in the private sector are low and declining coverage and the lack of continuity in the system in a rapidly changing labour market. That observation leads directly to universal coverage as a fundamental principle for the design of the ORPP. Despite this principle, apparently persuaded by current pension plans concerned about the complexity of integrating their plans with the ORPP, the government decided to exempt what would be deemed to be equivalent plans.

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While I don't agree with the government's decision, I at least understand the logic behind enabling DB plan

sponsors to avoid the complexity of integration. But in a bizarre and frankly illogical move, the government decided to extend its equivalent plan exemption to DC plans with a total contribution of 8% of earnings or more. The exemption for those equivalent plans makes no sense.

For a DC plan, accommodation of the ORPP is breathtakingly simple. A DC plan sponsor who wishes to avoid an increase in costs can do so simply by reducing employee and employer contributions to the DC plan by 1.9% of pay. Not only that, but this would be one of those rare instances in employment relations in which the employees are significantly better off, because they get a much more valuable benefit, and employers are no worse off. Their costs remain exactly the same.

In my view, it is difficult to justify not eliminating the equivalent plan exemption for DC plans. It is even harder to justify a system which, as it currently stands, allows DC sponsors to keep their employees out of the ORPP without their consent. On this issue, my specific recommendation to the committee is that it amend Bill 186 to remove any reference to the granting of equivalent plan status to DC plans and to mandate a regulatory regime for target benefit and multi-employer plans.

Even without universal coverage, the critical problem of portability can be fixed. Eliminating the equivalent plan exemption for DC plans, a change that could be accomplished with no inconvenience to employers whatsoever, would broaden the coverage under the ORPP. For DB plans, the issue of portability arises specifically from circumstances in which a pension plan member's employment relationship with the plan sponsor ends prior to retirement. In rare circumstances, it can be in the interests of such plan members to elect to remain plan members and receive a deferred benefit—

The Acting Chair (Ms. Catherine Fife): Thank you, Mr. Mackenzie. Your five minutes are up.

Mr. Hugh Mackenzie: Sorry about that.

The Acting Chair (Ms. Catherine Fife): Questions will now come from the official opposition.

Mrs. Gila Martow: Thank you for coming in. Do you want to just continue? You were sort of mid-sentence there.

Mr. Hugh Mackenzie: Sure. With respect to portability, there's a very easy fix to this. When people leave a pension plan prior to retirement, right now the Pension Benefits Act provides for the payment of the commuted value of that benefit. If you amended the Pension Benefits Act to require that a portion of the commuted value that represents the value of the ORPP that you would have earned if you had not been in an exempt plan gets transferred into the ORPP along with that credit, then you end up knitting that service back together again. In effect, you eliminate the discontinuity problem with defined benefit plans.

Mrs. Gila Martow: My concern—I just want to know if you share that concern—is that whenever you have an investment, you lose in the growth of that investment by any management fees. There are some management fees for the CPP, but it performs fantastically.

There are concerns about what the ORPP will be invested in and how much growth there will be, but there will be costs and there will be a huge bureaucracy. Then, if they are still holding on to part of their other pension plan, because the government is allowed to take from their defined plan, they'll take off the 1.9% for the ORPP, which is what you were suggesting, hold on to their present—

Mr. Hugh Mackenzie: No, no, actually—

Mrs. Gila Martow: —and then they'll have three bureaucracies they're paying for.

Mr. Hugh Mackenzie: I think you may have misheard me because I think I said that I reluctantly accepted the government's decision to exempt defined benefit plans. My objection is with respect to the granting of exemptions to DC plans. Actually, right at the heart of my objection to the exemption of DC plans is precisely the question of very high fees.

Canada has the highest mutual fund fees in the world. The calculations that I've done indicate that over a working lifetime, someone who invests in mutual funds through an RRSP ends up with between 40% and 60% of their retirement savings ending up in the pockets of the mutual fund managers.

The major public sector pension plans, whether it's the Canada Pension Plan, the Ontario Teachers' Pension Plan or any of the major jointly sponsored plans in Ontario, have management expense ratios that are a fraction of the ratios that are charged retail. That difference goes straight to the bottom line for retirees.

Mrs. Gila Martow: But your first choice is still an expanded CPP?

Mr. Hugh Mackenzie: Yes, it is. I can't resist an observation that if some of the people who today express themselves as so enthusiastic about the expansion of the Canada Pension Plan had expressed those views two or three years ago when Jim Flaherty was cut off at the knees when he tried to expand the Canada Pension Plan, that might not have been an issue in the last provincial election. We might not be having that conversation.

The Acting Chair (Ms. Catherine Fife): Thank you for that observation. The next line of questioning comes from MPP French.

Ms. Jennifer K. French: Thank you very much for joining us, Mr. Mackenzie. I noticed that the last page of your submission—you haven't had a chance to address some of your recommendations. Would you like the opportunity to expand on those?

Mr. Hugh Mackenzie: I did get to a high-level outline of that. I think that the issue of discontinuity and portability is actually relatively easily solved within the context of the Ontario Pension Benefits Act. The Pension Benefits Act already requires employers to pay out, at an employee's request, the commuted value of a benefit that they've earned, that they would have earned in an exempt plan. It would be a relatively simple amendment to the Pension Benefits Act, ideally to make it mandatory that the commuted value of the ORPP-equivalent portion of that be transferred to the ORPP so that they can get

continuous service within the ORPP. But it would certainly be no skin off anybody's neck at all if the ORPP Act were amended so that employees who had been members of exempt plans had the right to transfer the commuted value of their exempt benefit into the ORPP to buy service in the ORPP.

Ms. Jennifer K. French: I'd just like to say, as I was skimming ahead with some of it, I think it's an interesting idea, an interesting suggestion, to maintain shadow accounts showing how they would benefit. I haven't seen that before.

My question for you: You said you'd begrudgingly accept the concept of comparability for defined benefit plans but certainly not the exemption of DC plans. Do you consider PRPPs to be pensions?

Mr. Hugh Mackenzie: No.

Ms. Jennifer K. French: I didn't think so.

Mr. Hugh Mackenzie: I've actually been quoted as describing the PRPP as a jumped-up RRSP and I stand by that comment.

Ms. Jennifer K. French: So the fact that this government is planning to introduce in regulations that certain PRPPs would be considered comparable and therefore exempt—your thoughts on that?

Mr. Hugh Mackenzie: I think that would be extremely counterproductive. I think the whole PRPP phenomenon is pointless and a red herring.

Ms. Jennifer K. French: I concur.

To the question of third-party delivery, do you have concerns about what that might look like if this government is inclined to privatize the delivery of this pension?

Mr. Hugh Mackenzie: I would say that somebody trying to demonstrate that third-party management of what is essentially a public monopoly would save it money has a very, very high hill to climb. The record—

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. Mackenzie. The next line of questioning comes from the government side: MPP Vernile.

Ms. Daiene Vernile: Good afternoon, Mr. Mackenzie. It's really interesting listening to you this afternoon. You bring a very impressive record of experience here to this committee.

We have heard this afternoon from some opposition members that the CPP, the OAS and the GIS offer sufficient retirement security to low-income Ontarians and, for that reason, they don't need to participate in the ORPP. When you hear that comment, how do you respond?

Mr. Hugh Mackenzie: In two ways. One is that I would agree with those who say that there's a problem with the design of the Guaranteed Income Supplement, and that it is unfair that the Guaranteed Income Supplement effectively claws back the benefits that people earn through contributions to other public plans.

But I do not think it's a solution to the problem with the design of the Guaranteed Income Supplement to deny low-income people access to a further public benefit. The answer to that problem, it seems to me, is to fix the GIS. Frankly, I have a bit of a problem listening to people who

were involved with the federal government using that kind of line. The GIS is a federal government program. If they were so concerned about the clawback—because, after all, the clawback works on the existing CPP as well. If they were so worried about that clawback, they could fix it themselves. They don't need to stomp all over the ORPP in order to do that.

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But there's another problem with that logic, and that is that when you graduate from high school, you don't sign a contract with society guaranteeing that you're going to be low-income forever. In other words, people move in and out of low income. You might be a low-income individual for five years while you're going through the millennial job walk, trying to find a job that will turn itself into a career. You're going to be defined as low-income. You're not going to accumulate any credit in a plan if it's exempt on that basis, and then suddenly, you are. As I said, people don't sign contracts after they leave high school guaranteeing that they're going to be low-income for the rest of their working lives.

The other issue that I feel really strongly about—and it came up in the course of the earlier conversation—which I think is really, extremely important, is that my casual observation of millennials in particular struggling to find meaningful long-term employment is that it is the norm for people to have multiple part-time jobs. It is not difficult at all to come up with scenarios in which somebody might generate an income equivalent to the year's maximum pensionable earnings under the CPP, and yet not qualify for a significant benefit because of the \$3,500 carve-out from any of their employers.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. Mackenzie, with that.

MR. FILMON GEBREMESKEL

The Acting Chair (Ms. Catherine Fife): Our next delegation is through teleconference. We have Filmon Gebremeskel from Ottawa.

Welcome, Filmon. Can you hear me?

Mr. Filmon Gebremeskel: Yes, I can hear you.

The Acting Chair (Ms. Catherine Fife): My name is Catherine Fife. I'm the Chair. I'm just going to introduce the committee members so that you understand who is around the table.

For the official opposition, we have MPP Lorne Coe and MPP Julia Munro from the PC Party.

From the NDP, we have MPP Jennifer French.

From the government side, we have MPP Kathryn McGarry, MPP Yvan Baker, MPP Daiene Vernile, MPP Vic Dhillon and MPP Granville Anderson.

So Mr. Gremeskel—

Mr. Filmon Gebremeskel: Gebremeskel.

The Acting Chair (Ms. Catherine Fife): —Gebremeskel—thank you—you have five minutes, and then there will be three minutes of questioning from each party. Please start.

Mr. Filmon Gebremeskel: All right. Thank you. I just have two questions. One is, prior to August of last year, the ORPP was on the table and it was all about enhancing retirement security for Ontarians. My question: I work with a few business owners who do have a pension plan in place that meets the requirement of at least 4% to be able to be exempted from the Ontario pension plan. The only issue I have is that when they were told about when to make the changes, it was too late within the requirements, where RSPs were not eligible or neither was the DPSP plan. So what's going to happen, going forward, if they have to contribute into the ORPP until 2020? What's going to happen to all those contributions that the employee and the employers have made?

The Acting Chair (Ms. Catherine Fife): So you're asking us a question?

Mr. Filmon Gebremeskel: Yes. That's my question.

The Acting Chair (Ms. Catherine Fife): Do you have the remainder of your presentation?

Mr. Filmon Gebremeskel: My second question was with regards to—I have a business owner who is 60 years old who is planning to retire about five years from now. He's going to be contributing to this plan, and even if he works until the age of 70, he's concerned that the amount of contributions he has put in, as well as his business—he's not going to be receiving anywhere close to what he's contributed to the plan.

So those are my two questions. It's not the full five minutes, but I just want an explanation so I can explain it to the business owners that I'm dealing with.

The Acting Chair (Ms. Catherine Fife): Okay. Usually the way that this works is that you do a presentation and we ask questions of you. If you have no further comments with your five minutes, I'm still going to give each party an opportunity to engage with you.

If you do not get answers to your questions, I've been advised by the Clerk that we can endeavour to have the ministry answer your questions in a formal way. Okay?

Mr. Filmon Gebremeskel: Okay. All right.

The Acting Chair (Ms. Catherine Fife): The first round of questioning goes to the NDP. MPP French.

Ms. Jennifer K. French: Thank you very much for calling in. As the third party, I'm going to leave it to the government to answer the specifics. I'm also looking forward to hearing the specific answers.

I have an understanding that you are calling on behalf of different business owners.

Mr. Filmon Gebremeskel: Yes.

Ms. Jennifer K. French: Can you perhaps share with us if they have broader concerns? Do they represent a number of employees who are feeling secure about their retirement? Could you perhaps expand a little bit on that?

Mr. Filmon Gebremeskel: One business owner already had a pension plan in place. They have two. They have a DPSP plan. They have about 700 employees, and they've had a pension plan in place for their employees for quite some time, but it didn't meet the requirement of a DC or DB plan.

By the time they were aware of what changes needed to have been made to be exempted from the first three waves, it was too late. Now the scenario for them is that they have to contribute starting in 2017 until 2020 into ORPP, even though they've made the changes after August of 2015.

Now they're concerned that, with all these contributions that their company, as well as the employees, have to make, once 2020 or wave 4 comes around, they won't be able to get anything that they've put into the plan back.

Ms. Jennifer K. French: Okay. For those specifics, I'm handing it over to the Liberal government, but I think that they would appreciate what you just gave us having more details. Thank you.

The Acting Chair (Ms. Catherine Fife): Okay, thank you very much.

From the government side, MPP McGarry.

Mrs. Kathryn McGarry: Hi. Thank you very much for joining us this afternoon. I just wanted to start off with a comment that we as the government have taken note of your questions, and the Associate Minister of Finance will be addressing your question, so we'll get back to you with the information that I know that you've left for the Clerk.

I just wanted to address a couple of issues that you're talking about. The Ontario Retirement Pension Plan will enhance retirement security for over four million Ontario workers who don't have a workplace pension plan by providing a predictable stream of income, paid for life. The benefits will be indexed to inflation.

The basic premise of the ORPP: It's designed to provide plan members with a 15% income replacement rate after 40 years of contributing to the plan. But here's the key part of this plan, and it really does go a long way to addressing your concerns: In the proposed Bill 186, it has a provision there to provide survivor benefits to the surviving spouse. But it also includes an opportunity to offer the option to single individuals to designate a beneficiary.

In that sense, those defined contributions that have been contributed into the plan will have a place to go, because I think that's what you're asking: Does it go and you lose it—am I correct in that?—or whether you're going to be able to get some benefit or your beneficiary? Is that the essence of your question?

Mr. Filmon Gebremeskel: No, the essence of my question is that, for the next four years, this employer is going to contribute into the ORPP because they didn't have a defined contribution plan. They have a plan in place and they're happy with it, and, from the greater sense of things, so are the employees. They're a little angry that they have to pay into ORPP going forward for the next four years. After four years of contributions, whether they decide to retire in five years or in 30 years or 40 years from now, they are going to be receiving nothing for four years of contribution into the ORPP. They're just wondering what's going to happen to their contributions for the next four years or three years that

they're going to be contributing into the ORPP. Eventually, they're going to get exempted because they'll meet the requirement.

Mrs. Kathryn McGarry: Okay, thank you. We've taken note of the question. We'll have the ministry address you. Thank you.

The Acting Chair (Ms. Catherine Fife): Thank you.

The final three minutes come from the PC Party: MPP Munro.

Mrs. Julia Munro: Thank you very much for calling in with very specific questions. Obviously, we look to the ministry to be able to help you.

I would just offer a couple of other concerns that have been identified. This piece of legislation allows for the government to receive contributions from people who are age 18 to 70. We have argued that age 18 is a pretty early time in people's lives to be in a mandatory pension plan. They might better want to be saving for a house, a car or paying off their student loan. So these are questions, like yours, that require very specific answers.

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We're also concerned about what happens if you are an employee in Ontario but the company you work for is outside the province. How do they create fairness amongst employees who are engaged and required to make mandatory contributions with those who are not?

So there are many questions such as yours that certainly deserve the attention of the government in being able to explain how individuals in this province would be impacted by the initiative.

The Acting Chair (Ms. Catherine Fife): That was a statement.

Do you have anything to add, Mr. Gebremeskel?

Mr. Filmon Gebremeskel: That's everything. Thank you very much.

The Acting Chair (Ms. Catherine Fife): It would be helpful for the committee to have your official questions in writing so that we could ensure that you do receive a response. Could you please forward that, in writing, to the Clerk?

Mr. Filmon Gebremeskel: Yes, I'll take care of that. Thank you very much.

The Acting Chair (Ms. Catherine Fife): Thank you for taking the time to call in.

HEALTHCARE OF ONTARIO PENSION PLAN

The Acting Chair (Ms. Catherine Fife): I'd like to call up the Healthcare of Ontario Pension Plan delegation, please. Just as a reminder, you have five minutes to present and then three minutes from each party. Please identify yourself for Hansard.

Mr. Darryl Mabini: Thank you, Madam Chair, and members of the committee. I appreciate the opportunity to speak with you today. My name is Darryl Mabini, senior director of growth and stakeholder relations at the Healthcare of Ontario Pension Plan. I'm here to speak

about Bill 186, the Ontario Retirement Pension Plan Act (Strengthening Retirement Security for Ontarians).

HOOPP is a defined benefit plan that represents 300,000 working and retired health care professionals across Ontario. We are the third-largest pension fund in Ontario, with \$64 billion in assets. We are proud to say that we are fully funded at 122%. We have proven that we are able to achieve excellent returns while balancing risk, such that 80 cents of every pension dollar paid to our retired members come from our investment returns, not taxpayers. In other words, we deliver on our pension promise.

Public polling shows that 86% of Ontarians believe there is an emerging retirement crisis. There are many factors contributing to this crisis: First and foremost, we are living longer. Today, the majority of people are living into their mid-eighties, and some even longer. Ontario's aging population, which will grow more dependent on government services like health care, requires the government to do something for the more than two thirds of the population that has no pension coverage.

Polling research found that individuals with inadequate retirement income will cut down on food and pharmaceutical expenses, two things that can keep us healthy. We can only imagine the negative impact of seniors cutting down food expenses, not taking needed prescriptions and not being able to meet other basic health care needs. We can expect more visits to our emergency rooms, resulting in increased health care costs and further strain on our health care system. Simply put, living longer means more retirement income is required.

Another critical issue is a lack of adequate pension coverage. A recent study released by the Broadbent Institute suggests that roughly half of those aged 55 to 64 have no accrued employer pension benefits, and that the majority of these Canadians retiring without an employer pension plan have totally inadequate retirement savings.

The same study also says that only a small minority of middle-income Canadians retiring without an employer pension plan has saved anywhere near enough for retirement. The vast majority of these families with annual incomes of \$50,000 or more will be hard pressed to save enough in the remaining period to retirement to avoid a significant drop in income.

What is the solution, then, for Ontarians who have not saved enough for retirement or who have no access to a workplace pension? The polling shows that 68% of Ontarians agree that it would be better to address the private sector pension crisis than to reduce the benefits of public sector employees. The argument is not about taking pensions away from some because others don't have one; it's about fixing the problem for those people without coverage, an increasingly urgent issue given our aging society.

HOOPP is encouraged by the province's pursuit of a new pension solution for Ontarians—the ORPP—for both the private and public sectors. This solution has many characteristics of a defined benefit pension plan and is a step in the right direction.

The defined benefit pension plan model is good for the individual and good for the economy. DB plan members will, in fact, never outlive their money. Thanks to risk-sharing, members can count on their retirement benefits and trust that the money will be there for the rest of their lives.

We know mandatory savings are the best way to prevent poverty amongst seniors. Our retired members have told us this. Had HOOPP been a voluntary plan, they would not have joined. As retired members, they are grateful that they did not have the choice to opt out.

According to the research conducted by the Boston Consulting Group, DB plans are good for our economy. Pensions are important to our cities and our towns throughout the province. For example, in Elliot Lake, 37% of its income is from retirement funds, with DB pensions contributing to most of that. The smaller the town, the greater the impact on local economies.

Why is this also good for the taxpayer? The study shows that only 10% to 15% of DB pensioners require the Guaranteed Income Supplement, GIS, compared to 45% to 50% of the non-DB population needing this financial assistance.

Generally speaking, benefits paid to retired workers generate significant consumer spending that creates and sustains jobs throughout our province. They also ensure that senior citizens who have worked hard and contributed to building this province can age with dignity.

HOOPP is pleased to see that retirement security for Ontarians is being addressed in the form of the ORPP. We are looking forward to receiving more information about how the ORPP will integrate with existing workplace pension plans and additional clarification on the plan's details.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Mr. Mabini. The first line of questioning will come from the government side. MPP McGarry.

Mrs. Kathryn McGarry: Thank you very much for coming this afternoon. I'm certainly very familiar with HOOPP. It's held up as a great plan to be involved with, so thank you for coming today. I know that HOOPP recently conducted research on the value that defined benefit pension plans offer their members and the economy more broadly. Can you discuss what those benefits look like?

Mr. Darryl Mabini: Sorry, could you just repeat the question again?

Mrs. Kathryn McGarry: You've recently conducted research on the value that defined benefit pension plans offer their members and the economy more broadly. Could you discuss what those benefits look like from the research?

Mr. Darryl Mabini: If you're referring to the Boston Consulting Group—

Mrs. Kathryn McGarry: Yes.

Mr. Darryl Mabini: That research: What it said was that \$30 billion is paid to the Ontario pensioners, DB pensioners. Of that \$30 billion, \$27 billion gets paid back into the economy. So 90% of what seniors are receiving

in retirement actually gets spent back into the economy. So by way of spending, because the seniors can count on that money coming into their bank account every month on a monthly basis, not worrying about drawdowns, not worrying about running out of money, they're confident spenders. In that case, they are helping to support the economy by spending on various services.

Mrs. Kathryn McGarry: Thank you. As you know, in designing the ORPP, our government looked to some of the bigger plans to see how to design our program. We've leveraged your expertise in terms of moving forward with the ORPP. Could you talk about some of the advantages that large, public plans can offer their members in terms of management and returns?

Mr. Darryl Mabini: In terms of the management and returns, in terms of scale, as an individual, if I were to go out into the retail market and invest into, say, a mutual fund, and you can expect certain returns from a mutual fund, or into an RRSP, with these large, public—take into example these public sector plans, these large public sector plans. I would have, as an individual, access to markets that I wouldn't have if I was an individual contributing or looking for, seeking returns in the open market.

The other thing is cost. You hear a lot about cost. I'll take HOOPP for example. The management costs are quite low compared to, again, if I went out into the retail market to purchase, say, a mutual fund where it can be as high as 3%. That erodes from my investment returns and again impacts on my retirement future.

Mrs. Kathryn McGarry: Good. Just quickly, if Ontario doesn't do anything—and as you know, there is a significant retirement savings gap—what is the downside for Ontarians and taxpayers?

Mr. Darryl Mabini: Well, again, if you refer back to the Boston Consulting Group and you look at the research that showed that for DB—

The Acting Chair (Ms. Catherine Fife): I'm sorry, Mr. Mabini, that's three minutes.

Next, questions go to the official opposition. MPP Martow.

Mrs. Gila Martow: I'm just wondering what your opinion is on shelving the ORPP and instead focusing efforts on getting all of the other provinces on board to expand the CPP—or as many as needed.

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Mr. Darryl Mabini: Certainly. Thank you for the question. I think many people would agree that a national solution would be preferred. I think a lot of the reason for the support for CPP expansion is obviously that the infrastructure is in place. There's familiarity with CPP. People won't necessarily see it as a tax because they're familiar with it, and of course employers are accustomed to the administration of the CPP—again, a preferred option. However, in the absence of a national solution, it's good to see that the government is moving forward on a solution to address retirement income security by way of ORPP.

Mrs. Gila Martow: Do you think that some of the problem is that interest rates have been low for so long

that we forget what it was like? I remember in the 1980s being in university, and people were selling their homes when their mortgages came up for renewal because they just couldn't afford to renew their mortgage at such high interest rates. Do you think that part of the problem is low interest rates right now in terms of people getting income from their investments?

Mr. Darryl Mabini: Low interest rates is one; of course, that plays a factor. The global markets—since 2008 there's been some recovery, but you're seeing everywhere all around that markets are being affected.

The one good thing about having pooled contributions, though, whether it's ORPP, CPP or even HOOPP, for example: Large-scale pension plans can weather the storm. So as an individual, if I were to go out on the retail market and invest personally, I would be subject to those ups and downs and I may not have the wherewithal or the expertise to manage my investments in that economic climate. With these large funds who have professional investors, they would be doing that for the beneficiary, so it's peace of mind for the member.

Mrs. Gila Martow: The problem is that we're hearing from previous speakers that there are huge costs built in with mutual funds, so that's a bit of a negative. In terms of stock markets, they say that playing the stock market—you have to know what you're doing. People do feel safer with mutual funds, but then that's the trade-off. We're not living the way people did 30 years ago, where they just put that money in the bank and watched it grow.

Thank you very much for coming in.

Mr. Darryl Mabini: Thank you.

The Acting Chair (Ms. Catherine Fife): Thank you very much. The last questions will come from the NDP. MPP French.

Ms. Jennifer K. French: Thank you very much for joining us today. Of course, we're familiar with HOOPP, and I'm glad to hear that the government is listening to your input and taking your advice. I hope they'll continue to do that.

To your point about people being confident spenders, those who are fortunate enough to have a defined benefit plan, that they can count on the money being there, partly because of the economies of scale, but they trust that it will be there and they are able to participate in their community and their economy—I have a question for you. I lost my train of thought. I'm completely derailed. Okay, confident spenders. Those who are not part of a pension plan and are not participating in their communities because they might have saved a little bit or they have money coming in: What is it like for them?

Mr. Darryl Mabini: Again going back to, yes, they're confident spenders because they know that their pension fund is depositing that cheque every month. You can go about your day-to-day business, whatever it is, whether it's buying groceries or anything that you need, and know that the money is going to be there the next month.

For those who don't have access to a DB plan—say they have personal savings, whether it's an RRSP or

mutual funds—it's a drawdown. It's like a savings account. When you retire, you're taking a certain amount from that account. At some point, you may run out of money. Again, we're living longer, and there's the cost of health care that's increasing as you get older because some things may not be covered. For them, they won't be spending as much. Some of our other polling suggests that they might be scaling back on—not necessarily cutting back on buying food but the quality of food, and that may impact their health as well.

Ms. Jennifer K. French: I remembered where I was going. You have a predictable delivery model where your plan members can count on how that money is coming in. In terms of the third-party delivery partner model that we have yet to know the details of, what are your thoughts on that? That delivery could look like anything at this point, and will be decided in regulation. Will you continue to have opinions and share those with the government when it comes to their design of the delivery model?

Mr. Darryl Mabini: We don't really have an opinion on a delivery model at this time, so I would actually not comment on that.

Ms. Jennifer K. French: When and if you do, I look forward to hearing it.

Mr. Darryl Mabini: Again, what we're looking at now, as more information about the ORPP is being rolled out: We are just curious to know and want to understand how it will impact current members and current employers. One example would be—

The Acting Chair (Ms. Catherine Fife): Thank you, Mr. Mabini. Your time was up, but you did leave us with that question. Thank you for being here.

UNIFOR

The Acting Chair (Ms. Catherine Fife): I'd like to welcome Unifor up to the front, please.

Once you get settled, if you would please introduce yourselves for Hansard. Thank you. You will have five minutes, followed by three minutes of questioning from each party.

Ms. Katha Fortier: Thank you. My name is Katha Fortier. I'm the Ontario director for Unifor. With me today are Jo-Ann Hannah, director of our pension and benefits department, and David Leacock, who is a staff representative in our pension and benefits department.

Unifor is pleased to speak to the Standing Committee on Social Policy regarding Bill 186. Unifor represents 310,000 members across Canada, with almost 160,000 members in Ontario. Our members are employed in every sector of the economy.

The ORPP is the first expansion of a social security system that we have seen in Ontario or Canada for many years. It is a major step in addressing the retirement income crisis facing workers today.

The crisis lies in the decline in workplace pension plans. Today, only 40% of Ontarians have workplace

pensions. In the private sector, less than 25% of workers have a workplace pension plan.

The Ontario government has recognized the retirement income problem and is proposing a sensible solution. The ORPP calls on employers to meet their responsibility to provide a workplace pension plan and share the funding with their employees.

Unifor commends the government for the significant contribution that ORPP will make to the retirement income security of Ontarians.

A secure retirement income system must address many potential risks and the complexity of a changing workplace. The Ontario government is in the best position to address the challenges.

Some of the risks in retirement income include:

- the longevity risk: Women, with a longer life expectancy than men, are particularly at risk;
- inflation, even at low rates, erodes pension values;
- investment returns are stronger through a large, professionally managed fund;
- the administration of pension plans is much more cost-effective and accurate when shared over a large pool of participants such as the ORPP; and

—financial viability of the pension plan sponsor: Too often, Unifor members and pensioners, particularly in the manufacturing sector, have been stripped of retirement income when their employer went into bankruptcy.

The workplace is changing. Fewer Ontarians today can expect to stay with one employer and collect a pension plan from that employer at the end of their work career. Instead, employees will have numerous employers and retire with a piecemeal of retirement savings accounts. Their savings accounts will be transferred to their bank and subject to expensive retail banking fees.

The ORPP is a solution to the retirement income crisis. The Ontario government should act now to avert a retirement income crisis, and the ORPP is well suited to address the risks in retirement income and the changing workplace conditions that have created the current crisis in retirement income.

The Ontario regional council of Unifor endorses the Canadian Labour Congress proposal for doubling CPP benefits. We call on Ontario to continue to lobby the federal government for a significant CPP enhancement. At the same time, the council holds the ORPP as a necessary plan should the CPP enhancement be delayed or fail.

We have some recommendations to strengthen the ORPP. Universality is essential to a cost-effective, smoothly administered plan. Already, we are seeing the complexities that arise when employers with comparable plans are exempt from the ORPP. There will be a cost to review and to enforce the comparable plan exemption.

There are some changes to the ORPP that could improve universality:

- introduce portability by requiring terminated employees in a comparable plan to transfer their employer accounts to the ORPP;
- allow the self-employed to participate in the ORPP; and

—encourage coverage for an estimated 220,000 Ontario workers working in the federally regulated industries without workplace pensions.

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As we point out, the comparable plan exemption raises administration and policing issues. At the very least, monitoring of comparable plans should be done on a regular basis and the results made public.

The Ontario government should pay close attention to employers who reduce employee compensation in order to cover the employer's share of the ORPP. Unions can resist such employer practices; however, in non-unionized workplaces, employees could find themselves funding both their share and the employer's share of the ORPP contributions.

Finally, the labour movement has been instrumental in calling for a public pension system and will play a key role in the implementation of the ORPP in workplaces across Ontario. Labour must have a formal role in the governance of the ORPP.

The Acting Chair (Ms. Catherine Fife): Thank you very much, Katha. The first line of questioning will come from the PC Party. MPP Coe.

Mr. Lorne Coe: Thank you very much. I'm on the last page of your presentation. In the last sentences, it says, "Labour must have a formal role in the governance of the ORPP." Can you speak a little bit more about what you think that role ought to be and what sort of shape that could take?

Ms. Jo-Ann Hannah: We just saw the announcement that the Ontario administration board is being set up and that they're looking for candidates to sit on that board. We think there should be labour representatives on that board. Certainly, going through the Ontario Federation of Labour to put forward candidates for that board would be appropriate.

As we say, what's going to happen in workplaces when the ORPP is up and running? It's really important to have labour representatives on that board, because there will be resistance happening in the workplace, with employers trying not to implement the ORPP. So we would like to see labour representatives—and we've been working on this. We should be there.

Mr. Lorne Coe: Great. Thank you, Chair. To my colleague, through you.

The Acting Chair (Ms. Catherine Fife): MPP Martow.

Mrs. Gila Martow: How do you feel about focusing our attention on expanding the CPP instead of spending all this time discussing an ORPP?

Ms. Katha Fortier: I think it's very clear that our first priority would be an expanded CPP. But at this point, while we're hopeful, there's no guarantee that that can happen. We've had some discussions that, possibly, the ORPP will actually have an effect to put some pressure on the federal government and the other provinces to consider implementation. If I lived in BC or Nova Scotia and was a worker without a pension plan, and I knew Ontario was getting one, I think I'd certainly put some

pressure on my elected representatives to make sure I got that same benefit as well.

Mrs. Gila Martow: Do you think that we should give it a certain amount of time to put that pressure on?

Ms. Katha Fortier: Well, understandably, I think it's got to be fairly reasonable. We know that the first ministers are meeting; there are meetings scheduled that will happen throughout the year. I think that decisions need to be made. Our union has taken part in a lobby on the Hill and talked to MPs very specifically. They've said that this is an election commitment from the Liberals and that they're prepared to make good on that promise, so I think we'll see some movement soon, if we're going to see that.

Mrs. Gila Martow: Thank you so much.

The Acting Chair (Ms. Catherine Fife): Seeing no other questions from the PC Party, next is—

Interjection.

The Acting Chair (Ms. Catherine Fife): You have 30 seconds, MPP Munro.

Mrs. Julia Munro: I want to comment on—

The Acting Chair (Ms. Catherine Fife): Can you please move closer to your microphone?

Mrs. Julia Munro: Oh, yes. Sorry—the middle of the last page, when you have the paragraph that begins, "Workers today can no longer rely on employers for retirement security." At the end, you talk about, "The financial institutions have not come up with an effective..." Who would you include in financial institutions?

The Acting Chair (Ms. Catherine Fife): You have 10 seconds to answer.

Interjections.

The Acting Chair (Ms. Catherine Fife): Perhaps you can touch base after. How about that, okay?

MPP French.

Ms. Jennifer K. French: Thank you for joining us today at Queen's Park. I appreciate not only the submission, but this is the third bill in a series of four, and we have appreciated your input all along the way. To your earlier point about being involved in the administration board, we look forward to having that as a strong group of people.

You had mentioned in your submission one of your suggestions for changes: "Introduce portability by requiring terminated employees in comparable plans to transfer their employer account to the ORPP." Could you expand on that briefly?

Ms. Katha Fortier: Well, I think there are a number of plans—if there is a plan in the workplace, there is often a situation where employees are just simply bought out of that pension plan. What if they had the ability to transfer that into the Ontario pension plan, particularly if they had a workplace pension plan that could have been exempt from the ORPP?

Ms. Jennifer K. French: Also, you represent, as you said, 310,000 workers. Is that right?

Ms. Katha Fortier: In Canada. It's about 160,000 in Ontario.

Ms. Jennifer K. French: Okay, so I would imagine that they would have different workplace realities. One of the pieces that you mentioned was that in non-unionized workplaces, employees could find themselves funding both their share and the employer's share—there's that kind of challenge. But what are some of the challenges that even within your membership those who are in precarious employment are finding themselves sort of on uneven footing, even with a strong—

Ms. Katha Fortier: I mean, it's not a secret that employers have already come to the table with the cost of the ORPP and how they're going to get the union to fund that. We've been very clear that that's not going to be the case for workers in Ontario. This is a plan that is an enhancement, particularly if they're eligible. Their pension plan is probably not defined benefit, more likely defined contribution, and at a lower level, so they would qualify.

The precarity of the workforce is not unusual in many of the sectors where we represent workers: in retail where we represent them and in health care, like nursing homes and such, where they work in more than one workplace. At the end of the day, sometimes, if you look at the NHRIPP, Nursing Homes and Related Industries Pension Plan, they may work in three workplaces and not really get eligible to get into those pension plans, even though there is a pension in existence. So this is going to be critical for workers to be able to contribute and get a pension.

The Acting Chair (Ms. Catherine Fife): Thank you very much for your feedback on that. Finally, to the government side. MPP Baker.

Mr. Yvan Baker: Thanks very much for coming in today. We talked about engagement earlier. MPP French was referring to your engagement. I was wondering if you could speak about your engagement with the government on the design of the ORPP.

Ms. Jo-Ann Hannah: Our engagement with the government on the design of the ORPP? Well, the last time we were here, we said we wanted a universal plan, and we were quite disappointed when we saw that defined contribution plans would be exempt. That was likely the Ontario government tipping their hat to the insurance carriers, who want to be able to continue to provide those plans. So, yes, our contribution has been for near the CPP, to the best you can.

I was kind of pleased to hear today when Ms. Vearnile said—

Ms. Daiene Vernile: Vernile.

Ms. Jo-Ann Hannah: Vernile. Sorry to mangle your name.

Ms. Daiene Vernile: Have you been sitting here the whole time?

Ms. Jo-Ann Hannah: Pardon?

Ms. Daiene Vernile: Have you been sitting here the whole time?

Ms. Jo-Ann Hannah: I've been here for a bit, yes.

Ms. Daiene Vernile: Good for you.

Ms. Jo-Ann Hannah: —where you said we're looking towards an integration of the ORPP with the CPP down the road. That's encouraging to hear because that universality is very important. And the other point we make in our paper is that the complexity of having these exemptions is very problematic. It's going to be costly to police these, to make sure that the employer is truly exempt.

So there are a lot of complications with having those exemptions and not being a universal plan.

Mr. Yvan Baker: How much time do I have, Chair?

The Acting Chair (Ms. Catherine Fife): You have a minute and a half.

Mr. Yvan Baker: A minute and a half. Great. Can you talk about how you think the ORPP will fit in with or complement the existing pension landscape in Ontario?

Ms. Jo-Ann Hannah: Do you mean the private sector plans?

Mr. Yvan Baker: Yes, both private and non.

Ms. Jo-Ann Hannah: It's essential. We're seeing employers getting out of providing pension plans. Unifor is a very strong union. Pensions have been extremely important to us always, and yet we're having trouble bargaining pensions with the employers. So the ORPP is going to be extremely important to help our members have a pension plan that they can contribute to.

That decline in employer contributions—the ORPP and the CPP is an excellent way to keep the employer in that bargain to provide retirement income for their employees, because we're seeing employers getting out of that promise, and they shouldn't be getting out of it.

Mr. Yvan Baker: Thank you very much.

The Acting Chair (Ms. Catherine Fife): Thank you for coming here today.

I'd like to let the committee know that this committee is adjourned until Monday, May 30, at 2 p.m., when we will go through clause-by-clause of Bill 186, An Act to establish the Ontario Retirement Pension Plan.

Also, for the committee members filing amendments, the deadline is noon on Tuesday, May 19. Written submissions are due Tuesday, May 17, at 6 p.m.

Have a good day.

The committee adjourned at 1620.

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Mr. Katch Koch

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Legislative Assembly of Ontario

First Session, 41st Parliament

Official Report of Debates (Hansard)

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Standing Committee on Social Policy

Ontario Retirement Pension
Plan Act (Strengthening
Retirement Security
for Ontarians), 2016

Assemblée législative de l'Ontario

Première session, 41^e législature

Journal des débats (Hansard)

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Comité permanent de la politique sociale

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LEGISLATIVE ASSEMBLY OF ONTARIO

ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 30 May 2016

Lundi 30 mai 2016

*The committee met at 1402 in committee room 1.*ONTARIO RETIREMENT PENSION
PLAN ACT (STRENGTHENING
RETIREMENT SECURITY
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LOI DE 2016 SUR LE RÉGIME
DE RETRAITE DE LA PROVINCE
DE L'ONTARIO (SÉCURISER LA RETRAITE
EN ONTARIO)

Consideration of the following bill:

Bill 186, An Act to establish the Ontario Retirement Pension Plan / Projet de loi 186, Loi établissant le Régime de retraite de la province de l'Ontario.

The Chair (Mr. Peter Tabuns): Good afternoon, committee members. As ordered by the House on Thursday, May 5, 2016, we're assembled here for clause-by-clause consideration of Bill 186, An Act to establish the Ontario Retirement Pension Plan. Brad Warden from legislative counsel is here to assist us with our work.

The committee is authorized to meet today from 2 p.m. to 6 p.m. A meeting has also been scheduled for tomorrow from 4 p.m. to 6 p.m., should the committee require more time to complete the clause-by-clause study of this bill.

A copy of the numbered amendments received on the May 19, 2016, noon deadline is on your desks. The amendments have been numbered in the order in which the sections appear in the bill.

Any questions from committee members before we start? There are none. Any general comments or debate on the bill before we start? There are none.

We'll go, then, first to section 1. We have NDP motion 1. Ms. French.

Ms. Jennifer K. French: I move that subsection 1(1) of the bill be amended by adding the following definition:

"'employee' means a person who performs work or supplies services for monetary compensation, including part-time, seasonal, temporary, contract and federally regulated employees and self-employed workers;"

The Chair (Mr. Peter Tabuns): Any discussion, any commentary?

Ms. Jennifer K. French: Yes, thank you. This broadens the definition—actually, this puts forward the definition of "employee." We've seen the government

sort of whittle down who would be included, so we're making sure that "employee" is a broad definition. We want to ensure that the maximum number of Ontarians are eligible to participate in a public pension plan and that every Ontarian is given an opportunity to retire with dignity. That starts with a definition of "employee," something that the government actually initially didn't include in this piece of legislation. We want to avoid any further opportunities for the government to restrict eligibility.

The Chair (Mr. Peter Tabuns): Is there any further commentary? Mrs. McGarry.

Mrs. Kathryn McGarry: Thank you very much to the member opposite for her comments. I am going to just start off by saying that the government does agree with adding a definition of "employee." You'll see in the next motion, government motion number 2, that we aim to clarify this definition and make sure that it mirrors the CPP's definition of "employee."

Already, we've got several groups of employees in this motion, including part-time, seasonal, and temporary contract workers, and they're already included by the bill's existing provisions.

I just wanted to say, too, that our government is currently working with the federal government to amend the Income Tax Act and enable the inclusion of federally regulated employees and self-employed workers because, at the moment, we want to make sure that our proposed definition of "employee" is consistent with the CPP's.

Adoption of this motion would require the ORPP to comply with all the federal pension standards that apply to federally regulated pension plan members. It would result in two regimes applicable to members: one for federally regulated members and one for non-federally regulated members, which would add unnecessary administrative complexity.

I'm going to propose that we vote against this motion in favour of the next motion, government motion number 2. Just to reiterate: There are ongoing talks between the province and the federal government when it comes to how we're rolling out the ORPP.

The Chair (Mr. Peter Tabuns): Further commentary?

Ms. Jennifer K. French: To the member's point: We know that they brought forward this amendment because it hadn't originally been in the bill. Our definition is similar to Ontario's Health and Safety Act, defining

every worker as a person who is paid to perform work or supply services. We mirrored that because we want to make it very clear that part-time, seasonal, temporary, contract, federally regulated employees and self-employed workers will be eligible to participate in the ORPP. Ours is just broader. I would say “better”—but.

The Chair (Mr. Peter Tabuns): Any further discussion?

Mrs. Kathryn McGarry: Just one last comment to reiterate: The government is currently working with the federal government to seek an exemption from the Income Tax Act to allow self-employed individuals to participate in the ORPP, but those discussions have not yet reached a conclusion.

The Chair (Mr. Peter Tabuns): Further discussion? The committee is ready for the vote. All those in favour? All those opposed? It is lost.

We go to amendment number 2. Mrs. McGarry.

Mrs. Kathryn McGarry: I move that subsection 1(1) of the bill be amended by adding the following definition:

“‘employee’ means

“(a) a person who is employed within the meaning of the definition of ‘employment’ in subsection 2(1) of the Canada Pension Plan, other than a person who is an officer within the meaning of that act, or

“(b) the holder of an office who is an employee under subsection (4); (‘employee’)”

The Chair (Mr. Peter Tabuns): Any discussion?

Mrs. Kathryn McGarry: I will be voting in favour of this motion because, again, as we just discussed, this motion will provide greater clarity for employees and employers who are participating in the ORPP. The definition is consistent with the ORPP’s policy intent to mirror the CPP whenever possible.

Unlike NDP motion number 1, this motion will help to clarify the definition of “employee” without creating additional administrative complexity or requiring the ORPP to comply with federal pension standards. We will be voting in favour of this one.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, the committee is ready to vote. All those in favour? All those opposed? It’s carried.

We’ve come to the end of section 1. I’m going to call for the vote. Shall section 1, as amended, carry? Opposed? It’s carried.

Sections 2, 3 and 4: I have no amendments. With the committee’s indulgence, I’ll call all three at once. Shall sections 2, 3 and 4 carry? Opposed? They are carried.

We now go to section 5. We have NDP amendment 3. Ms. French.

1410

Ms. Jennifer K. French: I move that section 5 of the bill be struck out and the following substituted:

“Employees required to contribute

“5. Subject to sections 6 to 14, an employee is required to contribute to the ORPP.”

The Chair (Mr. Peter Tabuns): Further commentary?

Ms. Jennifer K. French: The intent of this amendment is to ensure that the maximum number of Ontarians are eligible to participate in a public pension plan. Essentially, it’s striking out any reference to comparability or comparable plans and would make the ORPP universal.

As I said, it removes all of the government’s definitions of comparable workplace pension plans. We know that investment assets are vulnerable to a number of factors, including the number of people contributing to the plan, the number of people who are receiving benefits. We know that the greater the number of people in the plan, the stronger the pool of capital will be and ultimately the stronger the benefit.

Most importantly, we believe that every Ontarian should be given an opportunity to retire with dignity; hence, the amendment.

The Chair (Mr. Peter Tabuns): Further commentary? Ms. Martow.

Mrs. Gila Martow: This is quite the conundrum. As a caucus, we understand that the ORPP is going to be a drain and really cause some businesses either not to expand or to not locate here or to move away from here. Obviously, the ORPP, if it’s implemented, works better if there are more people under it, which is why we prefer to see the CPP expanded, for that exact same reason, rather than forcing people to be on the ORPP if they have a comparable plan. They’re actually going to be dragging themselves down because they might have a better plan. So we’re sacrificing them at the altar of trying to have the ORPP for everybody else.

Again, as a caucus, we obviously can’t support this amendment.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: I’m going to be recommending opposing the motion, because the government consulted extensively on the plan design of the ORPP and has publicly made commitments to exempt employers with comparable plans. We’ve done a lot of work on this over the last few months, regarding what the definition of comparable plans means. All employers will be subject to a comparability test. So the commitment allows some employers to maintain current plans, some of which have been negotiated through collective bargaining.

Our goal is to make sure that the two thirds of Ontarians who don’t have a workplace pension plan—so those who are most at risk of under-saving—have pension coverage. It’s also why the government is exempting employers who offer plans that are comparable or actually better than the ORPP. The government has consulted extensively on the design work so that there are those plans out there that target a benefit that are similar or, as I said, better than the ORPP—which aims to replace 15% of an individual’s pre-retirement income. The government is maintaining flexibility for employers and business by allowing those with comparable plans to opt in to the ORPP, if they choose.

The Chair (Mr. Peter Tabuns): Ms. French.

Ms. Jennifer K. French: I would say that during the government’s extensive consultation, they’ve had the

opportunity to hear from everyone, from labour to business and individuals that this will impact. Certainly at committee and any time as we have seen this initiative unfold—now this is the third piece of legislation—we have been hearing from all of those who would be impacted, and so many of them have been talking about the importance of universality and the strength of a strong public pension plan that would have more capital, more individuals in the plan and therefore more benefit.

Initially, when this was an idea on the table, before we had seen it start to take shape, we heard from members of the business community who were talking about the uneven landscape, in terms of disadvantaging some employers over others, and talking about universality. There was room to manoeuvre at the beginning and to talk about that. Here we have the chance, with this amendment, to take it back to a place that is stronger and would benefit the most people, and back to that appreciation for our universal systems.

The Chair (Mr. Peter Tabuns): Any further commentary?

Mrs. Kathryn McGarry: Certainly, I appreciate the fact that the third party is very supportive of ensuring that people are saving enough and have a good retirement security when they retire. I very much appreciate that.

I just really wanted to make a final comment that for 2014 and 2015, the Associate Minister of Finance, Minister Hunter, consulted broadly across Ontario and received well over 1,000 submissions. We know, moving forward, that there are those employers that have a pension plan that is comparable to or better than the proposed ORPP, so we're quite comfortable that they can have that flexibility to design their own plan.

The Chair (Mr. Peter Tabuns): Any further commentary? Committee is ready to vote? All those in favour? All those opposed? It is lost.

We go to amendment 4. Ms. French.

Ms. Jennifer K. French: I move that paragraph 3 of subsection 5(3) of the bill be struck out.

The Chair (Mr. Peter Tabuns): Commentary?

Ms. Jennifer K. French: Yes. Seeing as how that last attempted amendment was not successful—and totally unexpectedly—I would like to say that paragraphs 1 and 2 speak to defined benefit plans. This is an amendment looking at paragraph 3.

Just so that everyone knows where I'm coming from, sections 4 through 9 that I'm putting forward, in terms of amendments, are all addressing comparability. It's that same point, that the more people in the plan, the better, the stronger the benefit. If the government is not going to consider universality, then the only plan that should be considered comparable and therefore exempt should be a strong defined benefit plan.

By voting down our previous motion, the government has made it clear that the ORPP will not be universal. Not all Ontarians will be able to participate. So at the very least, to ensure that the most people can retire in dignity, without having to worry about retirement income, the only pension plans that should be considered

are defined benefit plans, as I said, because these are plans that guarantee that once members start receiving their pension plan, they are receiving it for life. With a defined benefit plan, members can estimate in advance what their pension plan will be. Benefits are predefined. Members know what they're going to receive. They don't have to worry about flux in the markets. They can actually plan their retirement in terms of stability.

Why I'm giving this diatribe about defined benefit is because everything after this is going to be plans that they want to eliminate, or members that they want to eliminate, based on plans that should not be considered comparable.

This amendment removes the consideration of defined contribution plans as "comparable" pension plans. We know that by definition, the benefit amount and the benefit payment period for defined contribution plans vary, depending on a number of factors. So, back to what I was talking about with the flux in the market, for example—investment returns and interest rates—they don't provide that steady stream of retirement income. That's why defined contribution plans should not be considered comparable, which is what this amendment speaks to.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: I appreciate again the support that the third party has had, to ensure that Ontarians can retire in dignity with a retirement plan.

I will recommend opposing this motion, simply because the ORPP was developed to bridge the retirement savings gap by providing retirement security to Ontarians who do not have adequate workplace pension coverage. This amendment would require individuals with defined contribution plans to contribute to the ORPP, regardless of the level of coverage that they offer their members.

The government has developed a comparability test to ensure that only defined contribution plans that offer coverage similar to the ORPP could be exempt from the plan. By removing defined contribution plans from the definition of comparable plans in the bill, this motion would force Ontarians who have access to generous defined contribution plans into the ORPP, regardless of their need for increased pension coverage.

The government is maintaining its commitment to Ontarians by introducing this legislation that provides those with plans that are comparable to or better than the ORPP the flexibility to stay in those pension plans. We certainly heard about that during the consultations and in some of the documents that came in during those consultation periods.

1420

The Chair (Mr. Peter Tabuns): Mr. Coe.

Mr. Lorne Coe: Thank you, Chair. Through you, we, as a caucus, won't be supporting this amendment because we do not wish to force a further payroll tax on employers and employees with current comparable workplace pensions plans.

My colleague opposite mentioned the consultation. We heard, during the consultation, from several delega-

tions that they too did not favour this type of extension. So we will not be supporting the amendment.

The Chair (Mr. Peter Tabuns): Further debate? Mr. Potts.

Mr. Arthur Potts: I just want to acknowledge the member who made the motion from the NDP. She has pretty much summed up, as I think she knows, all the next few amendments that she's proposing. If this one's not successful, she has to realize that the next five will not be successful. Maybe, in the interest of time, she might want to just withdraw them.

The Chair (Mr. Peter Tabuns): Any further commentary? There being none, you're ready for the vote? All those in favour? All those opposed? It's lost.

We go to amendment number 5. Ms. French.

Ms. Jennifer K. French: Thank you, Chair. I'm looking forward to delving into all of these very important amendments.

I move that paragraph 4 of subsection 5(3) of the bill be struck out.

The Chair (Mr. Peter Tabuns): Commentary?

Ms. Jennifer K. French: Sure. This amendment is in line with our previous amendment to exclude defined contribution plans from the government's definition of "comparable pension plan."

The Chair (Mr. Peter Tabuns): Any other debate on this? Ms. McGarry.

Mrs. Kathryn McGarry: I will be recommending to oppose the motion, again, because the ORPP was developed to bridge the retirement savings gap by providing retirement security to those Ontarians who do not have adequate workplace pension plan coverage.

This amendment would require individuals with defined contribution plans to contribute to the ORPP regardless of the level of coverage that they offer members. Certainly, the government heard during consultations across the province about the definition of a comparable plan. Many employers wanted the flexibility to be able to continue their good plan as before. There are good defined contribution plans that exist, and it was their wish to remain flexible and keep their plans there. It would also ensure that people can attain a similar level of benefit to those offered by the ORPP.

I just wanted one final point: The government undertook extensive analysis with leading pension experts to land on a contribution level for defined contribution plans of 8%, which would result in a benefit that was similar to the ORPP. If they pass that test of comparability, then the employers would be able to continue their plans.

The Chair (Mr. Peter Tabuns): Ms. French.

Ms. Jennifer K. French: I will reiterate that, while there may be some strong defined contribution plans in existence, they are not defined benefit. It is ultimately the benefit that provides the stability in retirement that we want for all Ontarians. Defined contribution plans do not provide that steady stream of retirement income and shouldn't be considered comparable.

As the government continues to talk about flexibility, I would like to bring to the table the notion of stability in

retirement. We're wanting people in their retirement to be able to participate fully in the economy and to be able to make plans. When the government talks about flexibility, that makes me a little twitchy because I don't want for our retirees that sort of uncertainty. I imagine that we all would want a kind of stability and that they can rest assured in their retirement and continue participating with a steady and predictable benefit.

The Chair (Mr. Peter Tabuns): Further debate? There being none—oh, Ms. Martow. Sorry.

Mrs. Gila Martow: Just a very quick comment in terms of stability: The best way to save for your retirement—I believe we've said it before—is to have a good job, as my caucus is concerned about what this is going to do to job numbers in the province.

The other concern with stability is what kind of debt people are retiring with. None of this bill addresses the fact that too many people in Ontario are retiring with huge debt. By knowing that they have two pensions ahead of them, they might take on even more debt. That's not stability.

The Chair (Mr. Peter Tabuns): Further debate? There being none, you're ready for the vote. All those in favour? All those opposed? The motion is lost.

We go to motion 6. Ms. French.

Ms. Jennifer K. French: I move that paragraph 5 of subsection 5(3) of the bill be struck out.

The Chair (Mr. Peter Tabuns): Commentary?

Ms. Jennifer K. French: Again, this amendment is part of our previous amendments to exclude defined contribution plans from the government's definition of "comparable pension plan."

The Chair (Mr. Peter Tabuns): Any others? Mrs. McGarry.

Mrs. Kathryn McGarry: I'm going to recommend opposing the motion because adopting this amendment would mean that employers and employees who participate in comparable defined contribution plans, but only on a voluntary basis, could be exempt from the ORPP. This could limit pension coverage and possibly result in some employees not being covered by their workplace plan or the ORPP. The government wants to ensure that only employers and employees participating in a mandatory plan that meets the comparability test could be exempt from the ORPP.

The last and final point that I want to make, Chair, is that this government is committed to ensuring that all Ontarians are part of the ORPP or a comparable plan by the year 2020.

The Chair (Mr. Peter Tabuns): Further debate? There being none, the committee is ready for the vote. All those in favour? All those opposed? The motion is lost.

We go to amendment 7. Ms. French.

Ms. Jennifer K. French: I move that paragraph 6 of subsection 5(3) of the bill be struck out.

The Chair (Mr. Peter Tabuns): And do you wish to comment?

Ms. Jennifer K. French: I do. This amendment has to do with MEPPs. It removes the consideration of multi-employer pension plans as a comparable pension plan. Multi-employer pension plans, or MEPPs, can be a defined benefit, a defined contribution plan or a combination of both types of plan. We've already spoken about our concerns with defined contribution plans. For MEPPs that provide defined benefits, it is important to remember that if an employer's contributions are not enough to cover the pension benefits, a pensioner's benefits may be reduced. That, again, speaks to government flexibility, but we'd like to speak to stability. In these types of pension plans, benefits are a target. They're not fixed. They may be reduced. Anything that involves that kind of risk or instability is not something that certainly should disqualify someone from participating in a strong public pension plan.

The Chair (Mr. Peter Tabuns): Mrs. McGarry.

Mrs. Kathryn McGarry: I'm going to vote opposing this motion because, as I said, the amendment is going to require employers and employees who participate in multi-employer pension plans, or MEPPs, to contribute to the ORPP regardless of the level that is offered in the MEPP. This government has developed comparability to test to ensure that only MEPPs that offer coverage that are similar to the ORPP could be exempt from the ORPP. By removing MEPPs from the definition of "comparable plans," this motion would force Ontarians who have access to generous MEPP plans into the ORPP, regardless of their need for increased pension coverage. This government is maintaining its commitment to Ontarians by introducing this legislation, which provides those with plans that are comparable or better than the ORPP the flexibility to stay in those pension plans. They have asked for that.

The Chair (Mr. Peter Tabuns): Further debate? There being none, the committee is ready to vote. All those in favour? All those opposed? It is lost.

We go to motion 8. Ms. French.

1430

Ms. Jennifer K. French: I move that paragraph 7 of subsection 5(3) of the bill be struck out.

The Chair (Mr. Peter Tabuns): Commentary?

Ms. Jennifer K. French: Sure. This paragraph essentially says that if a pension plan has both defined contribution and defined benefit characteristics, the determination of comparability will be left to regulations. This is another example of the Liberals leaving awfully important information to regulations so that it can bypass public debate and scrutiny, which we are never in favour of. There you have it.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: I'm going to recommend opposing this motion. This amendment would require employers and employees with hybrid plans to contribute to the ORPP regardless of the level of coverage offered through these plans. Again, the government developed comparability to test and to ensure that only hybrid plans

that offer coverage similar to the ORPP could be exempt from the ORPP.

By removing hybrid plans from the definition of comparable plans in the bill, this motion would force Ontarians who have access to generous hybrid plans into the ORPP regardless of their need for increased pension coverage.

Again, through the government's extensive consultations, the government heard that there are generous hybrid plans that exist. Those employers are asking for the flexibility to be able to continue their generous hybrid pension plans. What was important was really coming up with that comparability test to ensure that those who are contributing to those plans would be better off than or just as good as the ORPP.

The Chair (Mr. Peter Tabuns): Ms. French?

Ms. Jennifer K. French: Back to the idea of stability or flexibility—and I'm sure I've heard "fluxibility" a couple of times, though I might be mistaken: Any time we're crossing our fingers and hoping it's just as good as the ORPP, I think that's a mistake. I didn't want to be having any conversation about comparability and therefore being disqualified from participating in a strong public pension plan, but here we are.

Again, just so we're clear: If something doesn't have that defined, stable, predictable benefit, then it isn't going to be good enough to disqualify someone from what will ultimately be a predictable income stream in retirement. When we have these hybrid plans and to hear the government say that they might be as good as—and maybe I misunderstood that, but I don't think that should be the measure.

This comparability test, all of these details that are going to be fine-tuned in regulation—that's concerning. Let's have more people in; let's have a stronger public pension plan; let's have more people benefit.

The Chair (Mr. Peter Tabuns): Further debate? There being none, you're ready for the vote? All those in favour? All those opposed? The motion is lost.

We go to motion 9. Ms. French.

Ms. Jennifer K. French: I move that paragraph 8 of subsection 5(3) of the bill be struck out.

The Chair (Mr. Peter Tabuns): Commentary?

Ms. Jennifer K. French: Yes. This amendment removes the consideration of a pooled registered pension plan, or PRPP, as a comparable pension plan. Chair, you might remember that we debated this in the House. All of us know that PRPPs don't even exist yet. But here we sit, talking about them being comparable and therefore exempt, and they don't even exist.

PRPPs are similar to DC plans. However, they go one step further. Employer contributions are not mandatory. New Democrats don't believe that the pathway to a secure retirement is through Harper-style PRPPs. We've debated this at length. We're on record as being very clear that this is not a pension plan. These PRPPs have significantly expensive administrative fees that ultimately benefit insurance companies and banks more than retirees. If we're really here to talk about dignity in

retirement and about strength in retirement, we should be talking about individual benefit and not insurance company and bank benefit. This ORPP should be strengthened to benefit individuals and not our Bay Street friends.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: I know that the government recently passed legislation to create a framework for pooled registered pension plans, PRPPs, and that through the government's consultation, our government heard loud and clear about the importance of recognizing innovation in the pension landscape and that PRPPs reflect such an innovation here.

The government remains committed to establishing a comparability test that would ensure that only PRPPs that offer a similar level of benefit to that offered by the ORPP could be considered comparable.

Again, passing this motion would prevent employers and employees who have chosen to have PRPPs in future in being exempt for the ORPP. We have listened. We want to make sure that there's flexibility for employees and businesses by allowing those with comparable plans to opt into the ORPP if they so choose. We are committed to making sure that all Ontarians have a secure retirement when they retire.

The Chair (Mr. Peter Tabuns): Ms. French?

Ms. Jennifer K. French: Again, back to the fundamental concern that if you're allowing the employer to opt in to the ORPP and make that decision on behalf of their employees—we're talking about PRPPs where the employer contributions are not mandatory, so this is not apples to apples, or pensions to pensions, at all. To talk about this as being a comparable plan—it's not, it isn't, it can't be, because it's not a pension and it doesn't exist yet.

This is one of those things that I'm surprised to see in this bill, especially as we know there's another one still coming. This isn't even a product that exists, so it's getting ahead of ourselves or maybe caving to pressures which, unfortunately, we've seen time and time again and, disappointingly, at the expense of Ontarians and their stability.

The Chair (Mr. Peter Tabuns): Further debate? Ms. McGarry?

Mrs. Kathryn McGarry: The last thing I wanted to say is that the ORPP was developed to bridge the retirement saving gaps by providing retirement security to Ontarians who do not have adequate workplace pension plan coverage. There are other plans out there—that this government has allowed the flexibility to ensure that those employers who offer the plans that are comparable to the ORPP can continue.

The Chair (Mr. Peter Tabuns): Further debate? There being none, committee is ready to vote. All those in favour? All those opposed? The motion is lost.

We go to motion number 10. Ms. McGarry.

Mrs. Kathryn McGarry: I move that subsection 5(6) of the bill be amended by adding the following definition:

“‘remuneration’, in relation to a pension plan, means the regular salary and wages as determined under the plan for the purposes of the plan....”

The Chair (Mr. Peter Tabuns): Ms. McGarry, if you'd like to comment.

Mrs. Kathryn McGarry: I will be recommending voting in favour of this motion because the amendment is intended to provide a clear definition of remuneration, so the definition will provide clarity for employers and for the ORPP Administration Corp. in determining whether an existing workplace pension plan is comparable to the ORPP.

The Chair (Mr. Peter Tabuns): Ms. McGarry, it has been pointed out to me that it sounds like you added an extra word. What we have here is “means regular salary” and what we heard was “means the regular salary.” I'm assuming that you meant to have the wording—

Mrs. Kathryn McGarry: Just let me look at the other one. Thank you. I added a word. Can I read it again?

The Chair (Mr. Peter Tabuns): Yes, please.

Mrs. Kathryn McGarry: I move that subsection 5(6) of the bill be amended by adding the following definition:

“‘remuneration’, in relation to a pension plan, means regular salary and wages as determined under the plan for the purposes of the plan....”

The Chair (Mr. Peter Tabuns): Thank you. Any further debate? Ms. French.

Ms. Jennifer K. French: This amendment defines remuneration, as we've heard, as “regular salary and wages as determined under the plan for the purposes of the plan.”

1440

The member opposite told us that this serves to give us a clear definition. I would argue that it doesn't, and I have some points that I'd like clarified, if possible, because she said this gives clarity for employers and the administration corporation, but I'd like some clarity perhaps for future members of the plan.

“Regular salary and wages as determined under the plan for the purposes of the plan”—I'm wondering if this is somewhat problematic, because this caveat, “determined under the plan for the purposes of the plan,” makes it very ambiguous. It's unclear. For example, what about advances or bonuses, retroactive pay increases, overtime pay? Are those going to qualify?

The CPP includes those payments, but it's unclear if those payments will also apply to the ORPP. I think that this matters because it determines, ultimately, the amount of benefit at the end of it. If the government is sort of leaving it “determined under the plan for the purposes of the plan” instead of salary and wages including advances, bonuses etc., is there the potential to disqualify those pieces from salary and wages and ultimately, then, limit the potential benefit at the end of this when people retire? Obviously the greater amount of money used in calculation of the benefits, the greater the future payout for Ontarians. So I would like to a clearer definition, please.

The Chair (Mr. Peter Tabuns): Okay. Ms. McGarry.

Mrs. Kathryn McGarry: This motion would amend subsection 5(6) of the bill to include the definition of “remuneration” for the purposes of section 5, “employees required to contribute.” It would clarify that remuneration, in relation to workplace pension plans, means regular salary and wages as determined under that plan.

The proposed amendment would provide clarity for the employers and the ORPP Administration Corp. in determining whether a workplace plan is comparable to the ORPP. So the threshold of comparability is based on whether the accrual or contribution rate meets an established percentage of an employee’s regular salary and wages. It also allows the employers to use their own definition in defining the comparability of the plan rather than it being one-size-fits-all.

The Chair (Mr. Peter Tabuns): Further debate?

Ms. Jennifer K. French: So advances, bonuses, retroactive pay increases and overtime pay will qualify, won’t qualify, might qualify, might not qualify?

The Chair (Mr. Peter Tabuns): Ms. McGarry, if you wish.

Mrs. Kathryn McGarry: Sorry, I’m just going to say that the remuneration, in terms of salary and wages, will be identified by the employer, and that the employers can use their own definition in all those things to define the comparability of their plan.

The Chair (Mr. Peter Tabuns): I have Ms. Martow and then I have Ms. French.

Mrs. Gila Martow: In the interest of just moving things along, I would suggest maybe we want to have a one- or two-minute recess so that the member opposite could clarify, because I would say that the member from the NDP, from the third party, makes some pretty good points. I don’t support this plan, but I can certainly agree with her questioning the ambiguous nature of this amendment. I think maybe we need some clarification because we just seem to be hearing the same definition without an explanation.

The Chair (Mr. Peter Tabuns): The government can answer or not answer. It’s up to it to determine what it will say. You’ve asked for a break?

Mrs. Gila Martow: I’m not asking for a break for myself; I’m just saying if we’re not getting clarification.

The Chair (Mr. Peter Tabuns): Okay. I don’t see enthusiasm for a break. Ms. McGarry?

Mrs. Kathryn McGarry: I can have enthusiasm for a two-minute break maybe.

The Chair (Mr. Peter Tabuns): The committee is agreeable to a break?

Interjection: Yes.

The Chair (Mr. Peter Tabuns): I’ll set it at five and then we’re back in five minutes. Thank you.

The committee recessed from 1445 to 1450.

The Chair (Mr. Peter Tabuns): Members of the committee, that’s five minutes. We’re set to resume.

Was there any further commentary before we go on?

Ms. Jennifer K. French: Yes.

The Chair (Mr. Peter Tabuns): Be my guest.

Ms. Jennifer K. French: We’ve been discussing this proposed amendment that adds the government definition of “remuneration.” They’ve said that it makes it a clear definition; it clarifies it for employers and the administration corporation.

I don’t feel it clarifies. I feel that it makes it muddy. I think it opens a potential loophole. When we’re talking about this definition of remuneration that can be interpreted by those who would want their plans and their employees to be exempt and not have to participate in the ORPP, then we’re looking at a situation, potentially, where the employer could use a low salary figure and say that everything above that low salary is a bonus, whereas otherwise it might have been considered part of their actual legitimate salary and wages, their actual remuneration.

Back to my original point here: The CPP includes these payments, the ones that I’ve mentioned—advances, bonuses, retroactive pay increases, overtime pay—they will qualify as remuneration and set a higher standard. So the fact that we are not seeing that here, that we are seeing this “as determined under the plan for the purposes of the plan”—shouldn’t it be for the purposes and the benefit of the most people, to make Ontario a better place in retirement? I tend to think it should.

Again, what does this include and why are you leaving it so open that an employer could take advantage of this? You’re creating a loophole where the CPP doesn’t. I thought this was supposed to mirror the CPP. I thought that was the goal.

If the member would like to clarify, she can. If she doesn’t want to, I know she doesn’t have to.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: Thank you very much for your comments. I’ll go back to what this motion talks about.

Not all employers have the same compensation plan across Ontario. There’s not just one plan that all employers use. Some companies have bonuses; some don’t etc.; some have part-time employees; some don’t. What this legislation is going to do is allow the employers, who have a variety of compensation packages, in concert with the ORPP Administration Corp., to determine whether indeed their compensation package, in terms of salaries and wages, and their existing workplace pension plan, are comparable to the ORPP. Because there are so many varieties across Ontario, this allows the companies to have some flexibility in determining it. But the ORPP Administration Corp. will be the body that will help consult with the employers to decide whether or not they have a comparable plan to the ORPP. It’s not something that we are going to put into this legislation because we already have that mechanism for the employer to determine, along with the ORPP Administration Corp., whether they in fact have a comparable plan to the ORPP.

The Chair (Mr. Peter Tabuns): Ms. French?

Ms. Jennifer K. French: To the member’s point that different employers have different compensation packages: great; as they should. However, to leave out

advances and bonuses, to not include that, is problematic because—it isn't limiting their flexibility. It isn't a problem to say that regular salary and wages, also including these examples and maybe some others because employers have different compensation packages—but by leaving them out entirely, you could theoretically have an employer that says, "Hey, how can we be exempt? How can we be considered comparable? Let's pay everyone minimum wage and then give them a bonus up to \$80,000, and—ha ha—we don't have to participate." Maybe that isn't likely, but the fact that it could happen now because we're getting tricky with our wording—"as determined under the plan for the purposes of the plan," or for the purposes of giving people a loophole—I think that that is a mistake.

If you want to pretend that this plan is going to mirror the CPP, then let's take the opportunity and have it mirror the CPP in this example. There's an opportunity here. I think that that is what this amendment should seek to do: actually provide clarity for potential members and for Ontarians.

The Chair (Mr. Peter Tabuns): Ms. McGarry?

Mrs. Kathryn McGarry: I'm kind of wondering whether the member opposite is looking at the difference between pensionable earnings with the comparability test. That's a bit of a difference. We're talking here about remuneration for the comparability test, not pensionable earnings for contributions to the ORPP. Under this motion, it means that the employer, along with the ORPP Administration Corp., will determine the remuneration in that particular company for the comparability test only.

The Chair (Mr. Peter Tabuns): Any further commentary?

Ms. Jennifer K. French: I recognize that, so if there is a lower limit that would allow them to not be considered comparable, or to be considered comparable—I just think that if there's any wiggle room that we can identify ahead of time, let's do away with the wiggle room. The CPP includes payments such as advances, bonuses, retroactive pay increases and overtime pay. Here, we don't see that, and that's a missed opportunity, I think.

The Chair (Mr. Peter Tabuns): Further debate? There being none, the committee is ready to vote? All those in favour? All those opposed? It is carried.

We've come to the end of amendments in section 5. Ready for the vote? Shall section 5, as amended, carry? Opposed? It is carried.

Colleagues, we have no amendments from here to section 15, inclusive. If you're agreeable, I'd like to move them as a bunch. Shall sections 6 to 15, inclusive, carry? Opposed? They are carried.

We go then to amendment 11. Mr. Coe.

Mr. Lorne Coe: I move that section 16 of the bill be struck out and the following substituted:

"Contribution rate

"16. The contribution rate is,

"(a) 1.9 per cent in the case of an employee who does not participate in a workplace pension plan that is

comparable to the ORPP for the purposes of section 5 in respect of the employee's employment; or

"(b) 1.9 per cent or such other rate provided for in the amendments to the text of the ORPP made, under section 45 or 46, by the administration corporation or the Lieutenant Governor in Council, in the case of an employee not described in clause (a)."

Through you, Chair, I defer to my colleague.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: This is just based on recommendations that many of us heard from the Ontario Chamber of Commerce and perhaps some other stakeholders. The concern is that if there's a fiscal shortfall—perhaps if the ORPP funds were not invested wisely—that it wouldn't be on the backs of the employees and employers. The government would want to raise the percentage. That's the concern: that the money must be handled wisely.

The Chair (Mr. Peter Tabuns): Okay. Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: I'm going to be recommending that we oppose this motion, and oppose it because the government does agree that the contribution rate of 1.9% should not be subject to change except in very limited circumstances. This amendment does not align with the government's intent, as approved by cabinet, for the contribution rate to be one of the possible levers to be used in the event of a funding shortfall or excess.

The ORPP is designed to be funded on a sustainable basis, which is why the contribution rate can be adjusted only in very specific circumstances and applied to all ORPP members.

The Chair (Mr. Peter Tabuns): Further debate?

Mrs. Gila Martow: I don't have the exact quote in front of me, but it was read into the record during the deputations, which is that concerns were red flagged after the government put in their own budget that they were planning to somehow use the funds from the ORPP to invest—that's their key word, "invest"—in transit. Perhaps that is a wise investment and perhaps it's not a wise investment, but it shouldn't be that it's invested in transit with, "Oh, well, if it doesn't work out, then we can always raise the rates." I think in this way we're kind of ensuring that the money is invested wisely.

1500

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: Just as a final comment, I just wanted to point out that the ORPP was carefully designed to be funded on a sustainable basis. I know that the members of the third party certainly wanted to make sure that it's sustainable as well. There was extensive consultation with actuarial experts, so I know that they've been very involved in this and have only outlined very specific instances where this rate could be changed.

The Chair (Mr. Peter Tabuns): Further debate? Mr. Coe.

Mr. Lorne Coe: Very quickly, to my colleague's comment about the actuarial opinion: Even this afternoon, the Associate Minister of Finance is meeting with

Mercer and some of Mercer's clients, and it's with regard to some of the concerns we've just raised and other concerns that have been raised overall.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: I would just quote the member when she used the word invested in "sustainable"—if it's truly sustainable, then you won't have situations where you have a fiscal shortfall. Of course, it's a global economy and things can happen. We saw what happened with the price of crude oil, but basically, if it's going to be sustainable, then it shouldn't be a problem. We're not going to have to raise the rate.

The Chair (Mr. Peter Tabuns): Further debate? There being none, you're ready for the vote? All those in favour of PC motion 11? All those opposed? It is lost.

Now we go to the vote on the section as a whole. Are people ready to vote? Shall section 16 carry? Opposed? It is carried.

We go to NDP amendment 12. Ms. French.

Ms. Jennifer K. French: I move that subsection 17(2) of the bill be amended by striking out "2017" and substituting "2014".

The Chair (Mr. Peter Tabuns): Commentary?

Ms. Jennifer K. French: This amendment is meant to hold the government accountable for the promises that it has made, and therefore, requires that the maximum pensionable earnings be reverted to \$90,000 in 2014 dollars. In August 2015, the calculation of pension benefits was said to be based on a maximum of \$90,000 in 2014 dollars. What we see in legislation now is a change that the legislation is showing that it's \$90,000 in 2017 dollars, not 2014 dollars. Under the Liberals' previous promise, the maximum pensionable earnings would have been nearly \$93,000 in 2017 dollars.

We know that the greater the amount of money used in the calculation of pension benefits, the greater the future payout for Ontarians. What we're seeing here is, by this little change, from 2014 dollars to 2017 dollars, that right out of the gate—actually, that's a lie; we're not even out of the gate. Before we're even out of the gate, we're shaving money off of future benefits for Ontarians, and that is problematic. Hence, the amendment that we revert back to what had originally been proposed by this government, which is the \$90,000 in 2014 dollars.

The Chair (Mr. Peter Tabuns): Further debate? Ms. McGarry.

Mrs. Kathryn McGarry: I'm going to be recommending opposing the motion, because the maximum earnings threshold of \$90,000 in 2017 dollars still achieves one of ORPP's key objectives in providing an appropriate benefit for Ontario's middle-income earners. As I said, we consulted extensively across Ontario, including businesses and employees. We changed the maximum earnings threshold to 2017 dollars in part to help ease the transition for employers and employees for the new plan, based on our consultation. The difference in dollar value accounts for only a small impact on an individual's overall benefit.

The Chair (Mr. Peter Tabuns): Ms. French.

Ms. Jennifer K. French: The fact that the government recognizes that they've made a change that benefits the transition side for employers, and does not benefit the individual plan members—and to still call it an appropriate benefit.

The idea of it being appropriate—"appropriate" isn't the right word. It should be a stable benefit, it should be a maximized benefit, it should be an increased benefit. And to hear them say that they've consulted extensively—whether we're arguing that point or not, I don't know which future retiree you consulted with who said, "Oh, sure," right out of the gate, before we even get started, "Sure. Take away some of my potential benefit. I'm good with that."

Consulting extensively—it should be consulting with those who are in their twenties and thirties now, who are going to be benefiting from this plan. When you say, "It's just a small impact, for the sake of a smoother transition for our Bay Street friends," I don't think that any of those future retirees were consulted with extensively or even at all and would have ever said, "Sure, jimmy the numbers at the beginning so we have, while a small impact, a lesser benefit at the end of this." That's absurd.

Anyway, sticking with it: It should go back to what you originally committed, which was 2014 dollars. There. Done.

The Chair (Mr. Peter Tabuns): Thank you. Ms. McGarry?

Mrs. Kathryn McGarry: I just want to say in response that the actuaries have estimated that this change would not have a meaningful impact on the benefits that ORPP members are expected to accrue over a 40-year career. As ORPP benefits are only accrued as contributions are made, there is no actual loss of benefit associated with this change.

The Chair (Mr. Peter Tabuns): Further debate?

Ms. Jennifer K. French: There may not be any lack of actual benefit because they haven't put the money in, but they could have. You go back to the beginning, which is where we are now, where we get to fine-tune and design and make the best and strongest public pension plan that we could be making. But at every single opportunity we say, "Oh, no, let's rule out more people, let's disqualify more people, let's shave a little off because—don't worry—it's not a meaningful impact."

I'm not in government so I can't say what their goal is, but I think that part of their goal should be to have the public at large have faith in what it is you're doing. So to say, "We want everybody in, we want everyone to benefit"—but all of these little tweaks and take-aways are not benefiting you, let alone benefiting Ontarians. Just a thought.

The Chair (Mr. Peter Tabuns): Any other debate? There being none, the committee is ready for the vote? All those in favour? All those opposed? The motion is lost.

We now have the vote on section 17 itself. Ready for a vote? Shall 17 carry? Opposed? There being none, it is carried.

Colleagues, I would like to group sections 18 to 31, inclusive, because we have no amendments. Are there any objections? Shall sections 18 to 31, inclusive, carry? Opposed? There being none, those are carried.

We go now to government motion 13. Ms. McGarry, I assume?

Mrs. Kathryn McGarry: I move that section 32 of the bill be amended by striking out subsections (1) and (2) and substituting the following:

“10-year guarantee—for pension payable for life of member

“32.(1) If the pension”—Sorry. You know what? May I just switch to another copy?

The Chair (Mr. Peter Tabuns): Absolutely.

Mrs. Kathryn McGarry: Just give me a second. This one is not very clear. Now I can see with my glasses too; just saying. All right. Let me try that again.

I move that section 32(1), (2) and (2.1) of the bill be struck out—I’m sorry. Can I just have a second?

The Chair (Mr. Peter Tabuns): Yes. Start over.

Mrs. Kathryn McGarry: I will try that again. Thank you.

1510

I move that section 32 of the bill be amended by striking out subsections (1) and (2) and substituting the following:

“10-year guarantee—for pension payable for life of member

“32.(1) If the pension a member is being paid is not a joint and survivor pension and the member dies before being paid 120 monthly instalments, a lump sum shall be paid to the personal representative of the member, or if a beneficiary has been designated in accordance with the regulations, to that beneficiary.

“Determination of amount

“(2) The lump sum paid under subsection (1) shall be determined in accordance with the regulations so that it is equal to the present value of the further monthly instalments the member would have been paid had the member been paid 120 instalments.

“Application to resumption of suspended pension

“(2.1) For the purposes of applying subsections (1) and (2) to a pension that resumed after being suspended under section 31, the references to instalments are references only to instalments paid after the pension resumed, not instalments paid before the pension was suspended.”

The Chair (Mr. Peter Tabuns): Commentary?

Mrs. Kathryn McGarry: I vote in favour of this motion because the amendment would provide clarity for ORPP members and for the purposes of enforcement. The amendment provides clarity for ORPP members regarding the 10-year guarantee. Specifically, this amendment clarifies how it would be paid out and what would happen when a member dies after their pension was suspended and then resumed.

The Chair (Mr. Peter Tabuns): Further debate? There being none, the committee is ready to vote? Good. All those in favour? All those opposed? It is carried.

Now we get to vote on section 32 as a whole, as amended. Shall section 32, as amended, carry? Opposed? It is carried.

Colleagues, again, I would like to group sections 33 to 54, inclusive, as we have no amendments. No objections to that? Good. Shall sections 33 to 54, inclusive, carry? Opposed? They are carried.

That takes us to government amendment 14. Mrs. McGarry.

Mrs. Kathryn McGarry: I move that clause 55(3)(b) of the bill be struck out and following substituted:

“(b) if the disclosure would reasonably be expected to do any of the things described in subsection 14(1) of the Freedom of Information and Protection of Privacy Act; or”

The Chair (Mr. Peter Tabuns): If you would like to comment?

Mrs. Kathryn McGarry: I recommend voting in favour of the motion. The ORPP Administration Corp. has a regulatory mandate to enforce compliance with the provisions of Bill 186, so the amendment would be consistent with the Freedom of Information and Protection of Privacy Act. The Office of the Information and Privacy Commissioner has been consulted and has no concerns with this amendment.

The Chair (Mr. Peter Tabuns): Fine. Is there any debate? There being none, the committee is ready to vote? All those in favour? All those opposed? It is carried.

Then we go to government motion 15. Mrs. McGarry.

Mrs. Kathryn McGarry: I move that section 55 of the bill be amended by adding the following subsection:

“Same, refusal under clause (3)(a) or (b)

“(4.1) If the head refuses to disclose the individual’s personal information under clause (3)(a) or (b), the notice under subsection (4) shall also set out,

“(a) whether the disclosure is being refused under clause (3)(a) or under clause (3)(b); and

“(b) the reason clause (3)(a) or (b) applies to the information.”

The Chair (Mr. Peter Tabuns): Thank you, Mrs. McGarry. Commentary?

Mrs. Kathryn McGarry: I’m going to be voting in favour of this because the Information and Privacy Commissioner requested this amendment. The amendment would be consistent with the Freedom of Information and Protection of Privacy Act.

The Chair (Mr. Peter Tabuns): Okay. Further debate? There being none, the committee is ready to vote? Shall the motion carry? Opposed? It is carried.

We’ve had two amendments to this section. We’ll go to the vote on section 55. Shall section 55, as amended, carry? Opposed? There being none, it is carried.

We now go to government motion 16. Mrs. McGarry.

Mrs. Kathryn McGarry: I move that section 56 of the bill be amended by adding the following subsections:

“Same

“(3) If the head refuses the request for a correction, the individual is entitled to,

“(a) require that a statement of disagreement be attached to the information reflecting any correction that was requested but not made; and

“(b) require that any person or body to whom the personal information has been disclosed within the year before the time a statement of disagreement is required be notified of the statement of disagreement.

“Notification of correction

“(4) If the head makes the correction, the individual is entitled to require that any person or body to whom the personal information has been disclosed within the year before the time the correction is requested be notified of the correction.”

The Chair (Mr. Peter Tabuns): Commentary? Mrs. McGarry.

Mrs. Kathryn McGarry: I recommend that we vote in favour of the motion because the Information and Privacy Commissioner requested the amendment. It does bring it more in line with the privacy information protection act.

The Chair (Mr. Peter Tabuns): Debate? Ms. French.

Ms. Jennifer K. French: Just as a point of clarification: This states that an individual may request that their personal information be corrected. Great.

The amendment also says that the individual is entitled to a statement of disagreement. What is unclear is if this statement is required to explain the refusal. I guess my question in terms of clarity is the statement of disagreement. What has to be in that? Is that a standard form that elsewhere is explained? Does it have to explain the refusal? What's in it?

The Chair (Mr. Peter Tabuns): Mrs. McGarry.

Mrs. Kathryn McGarry: Sorry, I'm just going to reiterate that it was the Information and Privacy Commissioner requesting this amendment to make sure it was already in line with the Freedom of Information and Protection of Privacy Act.

Ms. Jennifer K. French: That's great. I'm glad to know that these amendments are coming from the right places. But just for that statement of disagreement: Is it written elsewhere? Is this something that the commissioner recognizes, that the statement of disagreement must have this or that in it, and that's why it isn't included here? I'm just asking what's in it. Is that elsewhere or is that going to be left to regulation? I'm just curious.

It sounds like a good idea. I'd just like to know if it is required to explain refusal. Those who have received the perceived incorrect information also would be notified that a statement of disagreement exists. That's great, but what is actually in that statement of disagreement?

Mrs. Kathryn McGarry: I'm just going to say, without going through all of the legislation in the privacy and information act, that the commissioner asked that we add this in there to already mirror the Freedom of

Information and Protection of Privacy Act. If the member wishes, that is outlined in that act.

The Chair (Mr. Peter Tabuns): Thank you. No further debate? The committee is ready to vote? All those in favour? All those opposed? It is carried.

We now get to vote on section 56. Shall section 56, as amended, carry? Opposed? It is carried.

Colleagues, we can now group together sections 57 to 89, inclusive, as there are no amendments. I see no objection to that. Shall sections 57 to 89, inclusive, carry? They are carried.

We now go to section 90 and NDP amendment 17. Ms. French.

Ms. Jennifer K. French: I move that subsections 90(2) and (3) of the bill be struck out and the following substituted:

“Dates for different employers

“(2) The regulations shall provide that employers and their employees are not required to begin to contribute,

“(a) for large and medium employers, before January 1, 2018; and

“(b) for small employers, before January 1, 2019.

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“Interpretation

“(3) In subsection (2),

“‘large employers’ means employers who employ 500 employees or more;

“‘medium employers’ means medium employers as determined in accordance with the regulations;

“‘small employers’ means employers who are not large or medium employers.”

The Chair (Mr. Peter Tabuns): Ms. French.

Ms. Jennifer K. French: We're essentially changing the definition of large-sized businesses. This amendment defines the size of “large corporation” as those with 500 or more employees. This is consistent with Industry Canada's definition for both service and goods-producing industries.

New Democrats want to ensure that the Liberal government doesn't further cave in to the demands of big industry and broaden the definition of “large corporation” so that more companies can be considered small and medium-sized when in fact they don't face the same constraints. The fact that the government had previously defined business sizes in various announcements leading up to this bill—it's confusing that we don't see that in this piece of legislation. So the Liberals have decided again to put off that important information until regulation.

I'm sure you can appreciate our suspicion, especially after hearing the finance minister, back in January 2016, say, “We have a mandate from Ontarians, and they can't wait any longer,” talking about increased retirement security. One month later, and now in legislation, it was announced that the first phase of contributions was being pushed back a year, to January 2018. The thing is, that pushback was frustrating because the original announcement was, “We can't wait any longer. This has to happen now,” and then we have a delay. All right, but it wasn't

for small and medium-sized businesses. Small and medium-sized businesses were not affected by that announcement; it was the big corporations that can afford to be contributing and that do not require that extended transition period.

Again, this is another example of the government prioritizing the needs of—I don't know—their insider friends at the expense of Ontarians. I would say that businesses need to be able to plan and need the clarification. They deserve the clarification. Again, rather than caving in to big industry, they should define large corporations as they previously had in announcements rather than leaving it to regulations. I think that's fairer for the entire community affected.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: I will be recommending opposing this motion because the government has previously announced that it would mirror Statistics Canada's definition of employers. The government also announced its intention to provide more precise details on the definition of employer size and how that will be calculated in regulation. This motion doesn't provide sufficient precision to give employers clarity about how to determine in what wave they'll be enrolled in the ORPP rollout.

I'll just bring the member opposite's attention back to: Large employers as defined here in the proposed motion means employing 500 employees or more, but there's actually nothing listed under medium employers. So this gives way to some confusion in terms of the employers themselves as to where they're at in this list. "Small employers" means employers who are not large or medium employers." So there's no definition between the small and the medium employers here. Additionally, outlining this definition in regulation gives the government flexibility to align with the Statistics Canada definitions, should those definitions fluctuate over time. As I said, we previously announced that we're going to be aligning our definitions with Statistics Canada's, and this motion does not provide sufficient clarity to assist employers in determining when they will be enrolled in the ORPP.

The Chair (Mr. Peter Tabuns): Ms. French.

Ms. Jennifer K. French: Certainly it's not the intention of the amendment to lay out the transition plan for employers, recognizing that they deserve the time and information to be able to plan so that they can transition.

To the member's point that they've previously announced, so what? Here we have the legislation and we don't see it laid out in the legislation. To previously announce it and to set forward specifics, but then to not enshrine it in legislation and to wait until this is done and then, as you said, things might fluctuate—well, that doesn't make me feel any better.

Businesses need to be able to plan. Businesses need and deserve that clarification. If you're going to say that you've previously announced it's based on StatsCan, why is that not in this legislation? Why are you waiting until regulation behind closed doors with—maybe napkins, that's great—no public debate, no input to be able to define it so that it can be in flux? It certainly doesn't inspire any confidence over here.

The goal of this amendment was to define the size of a large corporation, and then, as it's outlined here, the rest to be determined in accordance with regulation beyond that.

The Chair (Mr. Peter Tabuns): Ms. McGarry.

Mrs. Kathryn McGarry: My final wrap-up point is just to reiterate the fact that the government will mirror Statistics Canada's definitions of small, medium and large employers.

The Chair (Mr. Peter Tabuns): Ms. French.

Ms. Jennifer K. French: So if that's the intent and that's the plan, why is that not written in legislation? Why is that just something we've been promised in announcement and can cross our fingers to wait for?

The Chair (Mr. Peter Tabuns): No further debate? The committee is ready to vote? All those in favour? All those opposed? The motion is lost.

We now go to the vote on section 90 itself. Ready for the vote? Shall section 90 carry? Opposed? It is carried.

We can now group sections 91 to 99, if people have no problems with that.

Shall sections 91 to 99, inclusive, carry? Opposed? They are carried.

We go to the last votes on this bill.

Shall the preamble of the bill carry? Carried.

Shall the title of the bill carry? Carried.

Shall Bill 186, as amended, carry? Carried.

Shall I report Bill 186, as amended, to the House? Yes. Done.

With that, unless the Clerk needs to correct me, we stand adjourned. Thank you, members.

The committee adjourned at 1528.

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Legislative Assembly of Ontario

First Session, 41st Parliament

Assemblée législative de l'Ontario

Première session, 41^e législature

Official Report of Debates (Hansard)

Monday 6 June 2016

Journal des débats (Hansard)

Lundi 6 juin 2016

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ASSEMBLÉE LÉGISLATIVE DE L'ONTARIO

STANDING COMMITTEE ON
SOCIAL POLICYCOMITÉ PERMANENT DE
LA POLITIQUE SOCIALE

Monday 6 June 2016

Lundi 6 juin 2016

The committee met at 1400 in room 151.

LUNG HEALTH ACT, 2016

LOI DE 2016 SUR LA SANTÉ PULMONAIRE

Consideration of the following bill:

Bill 41, An Act to establish the Lung Health Advisory Council and develop a provincial action plan respecting lung disease / Projet de loi 41, Loi créant le Conseil consultatif de la maladie pulmonaire et visant l'élaboration d'un plan d'action provincial à l'égard des maladies pulmonaires.

The Chair (Mr. Peter Tabuns): Good afternoon, committee members. I'm calling this meeting to order to consider Bill 41, An Act to establish the Lung Health Advisory Council and develop a provincial action plan respecting lung disease.

Pursuant to the order of the House dated Wednesday, June 1, 2016, each witness will receive up to 10 minutes for their presentation, followed by nine minutes of questioning from the committee or three minutes from each caucus. I ask committee members to ensure that the questions are relevant to Bill 41 and to keep them brief in order to allow maximum time for the witnesses to respond.

Any questions before we start? Okay, here we go.

ONTARIO LUNG ASSOCIATION

The Chair (Mr. Peter Tabuns): The first witness: Ontario Lung Association, Mr. George Habib. Mr. Habib, if you'll have a seat. If you would identify yourself for Hansard so they get it on transcript. Please proceed.

Mr. George Habib: My name is George Habib. I'm the president and CEO for the Ontario Lung Association. I'm joined by my colleague Andrea Stevens Lavigne, our vice-president of provincial programs. It's a pleasure, I can tell you, to be here today to lend our full support to Bill 41, the Lung Health Act.

We're here today not only representing the Ontario Lung Association and members of our Ontario Lung Health Alliance, but also the more than 2.4 million Ontarians who struggle to breathe every day who live with lung disease. To that point, it's not just the 2.4 million that have been diagnosed with lung disease, but as all of you do and I know I do, we enjoy breathing, so we're

also representing all of those who enjoy breathing. Indeed, Ontarians all fully deserve to breathe freely and easily.

It's been a long journey, including two years of working with lung health experts, economists, patients and other stakeholders, to develop a report called *Your Lungs, Your Life*, which we released five years ago. Since then, we have consulted broadly, engaged with government and other stakeholders and had the pleasure of meeting some incredible, incredible lung health champions, including MPP McGarry, who's here today, who brought this important piece of legislation forward shortly after coming into office.

When the bill passed second reading in November 2014, it was an incredibly emotional time, I know, on the floor of the Legislature. It was demonstrated so beautifully when PC MPP Lisa Thompson actually crossed the floor and hugged MPP McGarry. I remember it well.

Also, those who spoke to the bill at that time: I remember Wayne Gates talking about his experience with family members with lung cancer; and Lisa Thompson, who I mentioned previously, talking about her dad, who passed away with COPD. Of course, Kathryn's motivation was children with asthma. All of us, in some way, shape or form, are affected.

We also met a very brave young lady—13 years old—Kayla Baker, who supported our efforts while waiting for a lung transplant. Although she's no longer with us, unfortunately, her mother continues to be a tremendous champion for lung research.

We also met another amazing mother, someone who lost her child to an asthma attack at school, which you all know led to another significant piece of legislation called Ryan's Law.

Of course, lung disease affects people of all ages, and we have been deeply impressed by the passion and commitment of people like Bev Black, who's here with us today, and you'll hear from her; and two of our COPD ambassadors, Brenda and Bruce, who MPP Gélinas knows very well—they're constituents of Nickel Belt—and who literally toured the province on a motorcycle to increase awareness for COPD.

Throughout our journey, I've been struck with how often people were unaware of the high prevalence of lung disease or the growing burden on our health care system. In fact, many were shocked at the numbers and surprised that the third leading cause of death in this province does not have a dedicated plan, like cancer or diabetes.

Back in 2011, there were 1.6 million people with asthma and 780,000 people with COPD in Ontario. In a few short years, we now have more than two million people with asthma and almost 900,000 people with COPD. Sadly, many of those people are our province's most vulnerable populations.

There are also another 30,000-plus who suffer from lung cancer. Despite medical advances, it's still one of the most deadly cancers, killing more than breast, prostate and colon cancer combined.

Countless others have other lung conditions, such as sleep apnea, pulmonary hypertension, tuberculosis—we're not done with TB—cystic fibrosis and others. For more than 100 years, the lung association has championed their cause.

The beauty of the Lung Health Act and a comprehensive lung health action plan is that it can serve all of those people, as well as the millions more who need protection from risk factors such as poor air quality, radon and second-hand smoke. While we've collectively made significant progress on tobacco, most people don't realize that radon is the second leading cause of lung cancer, and many of those who have it never smoked a day in their lives.

We also know that health care costs have continued to rise. Lung disease is accountable for a high proportion of hospitalizations, readmissions, emergency department visits, home care services and long-term-care services. In 2011 alone, we estimated direct and indirect costs at \$4 billion, and projections show that this number will rise to more than \$300 billion if it's status quo, if we just continue to do what we're doing now, in the next 30 years.

While we recognize that the Ontario government has taken a leadership role with some of the key prevention initiatives, like ending coal burning in Ontario and renewing the Smoke-Free Ontario Strategy, there's still much work to be done for the more than 2.4 million Ontarians who struggle to breathe.

The good news is that Ontario has some of the best researchers and best clinicians in the world. We didn't want our report to be just another burden report, so we intentionally provided solutions—proven interventions that already existed in specific areas of the province, that could easily be replicated and result in both cost savings and improved lung health.

Bill 41 and the creation of a lung health advisory council and an Ontario lung health action plan will help to ensure that lung health gets the attention it deserves.

I'd like to turn it over to my colleague Andrea Stevens Lavigne at this point.

Ms. Andrea Stevens Lavigne: Good afternoon. Thank you again for hearing us today.

As George mentioned, the Ontario lung health action plan will serve a great benefit to all Ontarians, and the good news is that we don't have to start from scratch. In your package, you'll see that we have in fact drafted a plan already with a number of stakeholders, including the more than 40 members of the Ontario Lung Health

Alliance. There's also a letter in there that was sent to Premier Wynne a year ago, which was signed by 20 different organizations, some of them very significant players in the system, like the OMA and the Ontario College of Family Physicians. Others are smaller organizations, like the Pulmonary Hypertension Association and COPD Canada. All of these organizations working together are the ones that can make this plan become a reality.

We also consulted broadly, as George said, with many different stakeholders. We spoke to people at the Registered Nurses' Association of Ontario, which has been a member of our alliance since the inception. They are happy to support this legislation, with the inclusion of nurses—a registered nurse and a nurse practitioner—being part of the lung health council. We're happy to support this inclusion, given the vital role that nurses play in lung health, along with a wide variety of other health care providers: physicians, respiratory therapists, physiotherapists, pharmacists and others.

The draft plan includes a number of evidence-based interventions that were highlighted in the report that George referred to earlier. We released *Your Lungs, Your Life* five years ago. There were four specific interventions mentioned in that report, and I likely won't have time to go through all of them, so let me just highlight a couple of things.

First was a very successful primary care model. It's based on the Primary Care Asthma Program, which, in fact, was funded and supported by the Ministry of Health and has been in existence for more than 10 years. They supported a pilot project many years ago that demonstrated significant changes in health care delivery; for example, reductions to emergency room hospitalizations. All of these have incredible cost savings.

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We took that model and we put it through an economic model. We were able to demonstrate that by investing \$200 per patient, we could actually save \$1,000 in health care costs. That was related to a model of an interdisciplinary team that includes certified respiratory educators, who can be a member of any health care profession and who are specially trained. We can speak further about what role they actually play and what they do, but the beauty of this is that these types of health care professionals can be integrated within an existing infrastructure, so we don't have to add new infrastructure to the system. They can be part of hospital-based clinics, community-based clinics, family health teams or CHCs, or be associated with group medicine, family medicine or NP practices.

Another example is pulmonary rehabilitation. This is one of the top recommendations in Health Quality Ontario's own report on quality-based procedures for COPD. There is extensive research to support pulmonary rehab as the most effective treatment for COPD, and yet less than 2% of Ontarians currently have access to these vital services.

Again, we looked at the costing on this, and we could show that if every person who had moderate or severe

COPD had access to pulmonary rehab, the number of COPD-related visits to emergency rooms would be reduced by 24%, hospital admissions by 22% and length of stay by 50%.

The Chair (Mr. Peter Tabuns): I'm sorry. With that, you've come to the end of your time.

Ms. Andrea Stevens Lavigne: Okay.

The Chair (Mr. Peter Tabuns): We go first to the opposition. Ms. Martow?

Mrs. Gila Martow: Hi. Thank you so much for coming in. I think we're all in agreement that we need to have a plan in place for how we deal with all of these different issues. It's not enough to have one bill to address asthma, another bill to address lung cancer and so on and so forth.

My question to you is, do you feel that we have—if maybe you had a couple of points, actually, Andrea, that you wanted to finish, go ahead. But my main question that I wanted to ask is, do you feel that we have enough respirology medical specialists, technicians, nursing teams and equipment in our hospitals? Because it's one thing to have a plan in place, but if we're not training those residents, specialized technicians and nurses, it's very hard to have the best plan possible.

Ms. Andrea Stevens Lavigne: Thank you for that. I would say that, in fact, that relates to what I was talking about: an interdisciplinary care model. While we do have specialists in the province, and we also clearly have primary care practitioners, lung health is dealt with right across the full continuum. I do believe that by providing additional training and resources to the system, we can in fact increase that capacity.

There are definitely people in this province who are champions. Again, I think I'd like to emphasize that the Ontario Lung Association, as well as all of our partners, are very willing to work with government on this, and we do have specialists, some of whom you'll hear from today, who have been part of this. We've done projects that have linked specialty care to primary care. We have many evidence-based interventions that we can use as part of a broader lung health action plan.

Mr. George Habib: I do want to comment about one area, to your question as well—to add the research component. Sadly, lung health research is really underfunded; it got about 2% of CIHR funds. Given the prevalence of the disease and everything else, what we're seeing is that we're losing our best minds around research. We're not inspiring the young researchers coming through the system, because there aren't the dollars to do the appropriate research against the issues of lung health. I think that is one weakness that we do need to address.

Mrs. Gila Martow: Okay. Does my colleague have any questions? No.

I have a minute left?

The Chair (Mr. Peter Tabuns): You have 45 seconds.

Mrs. Gila Martow: I'll just say that my very dear uncle Gerry is in the hospital right now at St. Mike's, getting fantastic care. He's 92, but he's got chronic lung

infections. What he was telling me is that he is in a ward with cystic fibrosis patients who are not half his age but a quarter of his age, and dying every day. I said to him that we were going to be discussing this today, and he said to remind everybody about these poor people with cystic fibrosis who are being told, "You have days to live."

The Chair (Mr. Peter Tabuns): Thank you, Ms. Martow. To the third party: Ms. Gélinas?

M^{me} France Gélinas: It's a pleasure to see you, and always nice to talk to you. I think you painted the situation as is pretty clearly. I would ask you, can you dream the future for us? If we do move forward and put a good lung health advisory council in place and they work on this work plan, what will change? What will it look like in two years, in five years, in 10 years?

Mr. George Habib: Well, let me start, and I'm going to ask Andrea to jump in.

We've seen what can be, because there are best-practice areas. The problem is that we're doing it in pockets, in individual situations and so on; we're not looking at it comprehensively. We've seen best practices of what can happen, including a public-private sector initiative along with the lung association called the Value Demonstrating Initiative currently in three LHIN areas. So we are seeing some best practices.

Ideally, what we'd love to see is those living with COPD get, first of all, proper diagnosis; we'd love to see spirometry introduced as a standard for those at risk over the age of 40. Then, with the proper diagnosis, I think the treatment can begin, which can include the appropriate pulmonary rehabilitation to get people back to work, to get those living with COPD and other diseases back to caring for their grandchildren and so on—getting treatment that they can handle, including exercise rehabilitation, and getting them productive again to whatever they want to do and contributing to the Ontario economy in some way, shape or form. That's most ideal.

Secondly, we'd love to see costs related to lung disease decrease, especially use of emergency rooms for care, and take those dollars and redeploy them into other areas of the budget, without increasing the budget, to where they are needed. That's what the model really represents. We'd love to be able to see that.

Bev Black will talk about her journey in a little while and you'll hear more about what she has been able to do as well.

Ms. Andrea Stevens Lavigne: The only other thing I would add is that the goal and the vision of a lung health action plan is, in fact, to address the full continuum. We've already referenced that, unfortunately—well, I guess fortunately—lungs are important to every single one of us because we breathe, but also, lung disease itself can affect babies right up to end of life.

By having a coordinated plan, we can look at the prevention issues for those of us who don't have problems yet and hopefully prevent those from occurring. As George said, with proper early identification and spirometry and other diagnosis, we can have that happen, which in fact would lead to more appropriate diagnosis

and more appropriate treatment. Then, of course, our policy and partnerships and the research that's required, etc., so you have the full continuum for all Ontarians.

The Chair (Mr. Peter Tabuns): I'm sorry to say that, with that, you're out of time with this caucus. We go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: It's an incredible pleasure to have you here today. It's almost two years, I think, since we met at the Kayla Baker Run in Cambridge while I was actually running for election. I was so fully into committing to seeing most of our legislation passing through Ontario through a lung health lens, and it's because of my personal story.

We've talked about my son Rory, who was born with issues and, because of chronic issues happening in his lungs, is now a 36-year-old living with COPD. I remember the time when he spent four years in hospital in the early 1990s. At that point, there was smoking in the hospitals, there was smoking in the restaurants, there was smoking outside, and on the days we had a day pass, we couldn't take him anywhere. So I know that cleaning up our air and making sure that we have prevention in place is just ultimately important.

This is a very important time for me, to see some of the public consultation when it comes to looking at lung health. Because I was a critical care nurse, lung health issues were really my specialty, both from pediatrics, when I spent 10 years at Sick Kids, and through to my conclusion at CCAC as well as the intensive care unit. So I very much recognize lung issues as being a very expensive thing to have to deal with, not only for hospitals and our health care system, but for our families.

If you wouldn't mind just elaborating on why it's important to deal with both the direct costs, such as hospitalization and medication, as well as the indirect costs, meaning mental health issues, depression and those things that families deal with, I would appreciate it.

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Ms. Andrea Stevens Lavigne: Sure, and thank you very much again, MPP McGarry.

As you mentioned, there is such a wide range of lung conditions out there. When we did our report, we only focused on the top three: asthma, COPD and lung cancer. But there is also sleep apnea, cystic fibrosis, bronchiectasis, pulmonary fibrosis—there are many, many of those diseases there.

When we did our costing, again, we were only focusing on the three that we had in our report, and we were able to identify both direct and indirect costs. Most of the indirect costs were in fact related to wage productivity. As you mentioned, you have, unfortunately, people who are dealing with a lung issue themselves, but it also may mean that their parent or their adult child is also having to miss time from work. So the indirect costs were directly related to the wage issue.

In 2011, we were looking at somewhere around \$4 billion, most of which was related to COPD, as we mentioned earlier. We did the projections and, in 30 years, we were now over \$300 billion. So in terms of your

question, that was the most important reason why we need to look at this in a coordinated fashion.

The Chair (Mr. Peter Tabuns): And I'm sorry to say again, with that, we're out of time.

Mr. George Habib: Thank you very much for your time.

The Chair (Mr. Peter Tabuns): Thank you very much. We appreciate it.

Ms. Andrea Stevens Lavigne: Thank you.

MS. BEV BLACK

MS. CAROLE MADELEY

The Chair (Mr. Peter Tabuns): Next, I have Bev Black. Ms. Black? Welcome. If you'd introduce yourself for Hansard, and then we can go from there.

Ms. Bev Black: I'm Bev Black. I'm known as Lois Beverley Black, but I do go by Bev, so that's why the difference in the name tag. I'm going to be sharing my time with Carole Madeley today from the lung association.

I'd like to say hello to the Chair, the Vice-Chair, committee members and the Clerk.

I am the voice of 2.4 million people who suffer lung health issues. I am 74 years old. I'm a widow. I'm still living in my own home. On January 6, 2009, I woke up and I had great difficulty breathing. I couldn't get a breath. I called 911. I ended up in the hospital for almost two months. I was in ICU twice, on life support twice. They told my daughter, "We should just pull the plug. We're concerned about her quality of life." Thank goodness, I had a voice. It's now seven years later.

I am the lung health ambassador for St. Catharines, and this gives me a sense of purpose. I was blessed to have been part of the rehab program at St. Catharines General. It's an outpatient program where they teach you about diet, sleep, exercise, thoughts, your mental health, and that was great. But once I got out of that exercise program, there was nowhere to go to exercise. It was kind of intimidating to have to go to a Y and have these studmuffins running flat out on a treadmill beside me, and I'm huffing and puffing and trying to chug along. So I went to a gym, approached the owner, and Zoom-Airs was born. We got up to about 27 members going flat-out. It was amazing. None of us were going back to the hospital. We were doing so well. Confidence-building—we cheered each other on.

The gym sold, so I then was able to go to a rehab program at the Firestone Institute. I was a little apprehensive, because it's an in-patient rehab program. But it was amazing. I did know a lot, but there was a Dr. Joe, as we called him, a psychologist. He got into our heads. I've never been one to put myself first. When I sit, I can actually have my oxygen off, but I'm a little nervous; I'm leaving it on low. Because I'm a retainer, my body doesn't get rid of the carbon dioxide. Dr. Joe said, "You know, it's okay to tell people. You may look healthy but you're not. If you don't feel well enough to do some-

thing, you don't." It was just things like that that we are taught.

Once the rehab program was finished, all of a sudden—now, the lung association has maintenance programs, because it's very important to maintain. My lung capacity is 19%, so I'm what they call end stage. It sounds worse than it is. I am not in stage dying. I am a high risk. We have a Fitness for Breath program now at the YMCA in St. Catharines. I'm proud to say that we're up to about 14 members. It's just growing, and it's to maintain our health, the exercise. We have our support group meetings once a month. It is run by a lady from the hospital of St. Catharines, and we have speakers. We continue to talk about our life and our abilities and, here I am, seven-plus years later, playing with my grandchildren and still living alone in my own home.

It's important that this bill be considered and passed. The number of my friends in St. Catharines who have avoided ER visits because we are maintaining, because we are dieting right and because we are doing what we have to do—that's it.

The Chair (Mr. Peter Tabuns): Thank you.

Ms. Carole Madeley: Thank you for providing me the time to share this time with Bev. My name—

The Chair (Mr. Peter Tabuns): Sorry—oh, if you were going to introduce yourself, please go ahead.

Ms. Carole Madeley: Yes. My name is Carole Madeley and I'm a registered respiratory therapist and certified respiratory educator and I work for the Ontario Lung Association. I have first-hand experience in seeing the benefits of pulmonary rehabilitation as, in my past experience, I worked for Lakeridge Health in the pulmonary rehabilitation program for nine years and I saw the benefits of pulmonary rehabilitation: Patients learned to self-manage and improve their quality of life.

These programs have also proven to decrease hospitalization visits, emergency department visits and readmission rates. As Andrea and George told you earlier, we have almost 900,000 people in Ontario suffering with COPD and yet we have less than 2% capacity for pulmonary rehabilitation.

Like Bev, I also understand the importance of maintenance exercise to continue the gains of rehab that have occurred in these programs in the hospitals. In the last couple of years, I have worked with developing community-based maintenance exercise programs across the province of Ontario. We now have 17 community-based programs and we call these programs Fitness for Breath, as Bev mentioned earlier. These programs are a post-pulmonary rehabilitation program available in the community closer to home for patients who have had the experience to go through pulmonary rehab.

I have to say, the biggest challenge with Fitness for Breath is, of course, the low access to pulmonary rehab in the first place; therefore you can't put a maintenance program as a partner everywhere because we're lacking pulmonary rehabilitation.

I'm here to answer questions today that you may have for both Bev and myself related to pulmonary rehabilita-

tion, maintenance exercise programs and COPD. Thank you very much.

The Chair (Mr. Peter Tabuns): We'll start our questions with the third party. Ms. Gélinas.

M^{me} France Gélinas: It's a pleasure to see you again. You are just as good now as you were the first time you presented in my office. It's a pleasure to see you.

Without being dramatic, what would have happened, do you figure, if you did not have access to pulmonary rehab and if you did not have access to maintenance exercise?

Ms. Bev Black: I would definitely have regressed, because there was a time where I was hospitalized during that seven-year span. I went down quite a few pounds. My ability to move, whatever, it's so important. It helps build up your muscle mass where your muscles—they're not drawing all that extra oxygen. I don't have that much to begin with so whatever I can delegate my body to do—that's why that rehab is so important. It truly is.

I must say, my granddaughter was asked to do a thing—she's in grade 4—on body parts. She chose the lung and she talked, and that gives me a sense of purpose because now she's relaying nana's message to these young students: You don't smoke, you do this—blah, blah. It gives you a sense of purpose. I love doing what I do.

M^{me} France Gélinas: Carole, I was happy to hear you say that there are now 17 Fitness for Breath programs. I guess they're all linked to pulmonary rehab?

Ms. Carole Madeley: Yes, most of our Fitness for Breath programs are linked to pulmonary rehabilitation programs. We also have Fitness for Breath programs—for instance, there's one currently in Elliot Lake and the clients who would have accessed that program would have had to originally go to Sudbury, which is way too far away. Just in the last year the Elliot Lake Family Health Team developed a community-based pulmonary rehabilitation program so that the clients can now transition to the Elliot Lake Fitness for Breath program.

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M^{me} France Gélinas: I asked it previously, but I'll ask you the same question: If you were to look two years, five years down the road, how many pulmonary rehabs do you see and how many Fitness for Breaths do you see if we move on with this?

Ms. Carole Madeley: The current situation in Ontario is, we only have 43 pulmonary rehabilitation programs. With Bill 41, the Lung Health Act, we would be able to have access to pulmonary rehabilitation programs across the province. Therefore, they would be available in the communities, in every LHIN so that people with COPD could access these programs, and then, following their pulmonary rehabilitation program, they would have a partnered, community-based program in a fitness facility in their community.

M^{me} France Gélinas: Everywhere throughout Ontario?

Ms. Carole Madeley: Everywhere throughout Ontario, absolutely. We have almost 900,000 people living with COPD, and they live throughout Ontario.

The Chair (Mr. Peter Tabuns): With that, you're out of time.

We go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Bev and Carole, for coming in today.

Bev, you're always such an up for all of us and an inspiration for other COPD sufferers to say, "I can do that too." Can you talk briefly about what it took to actually diagnose yourself with COPD?

Ms. Bev Black: I was a smoker. When I went in January—I haven't smoked since January. I needed those two bricks on my head to quit. I had cut down considerably, but I was still smoking. I was diagnosed with COPD probably just before I went in in 2009, but I have regressed because of the severity of it. That's why these programs—I'm able to maintain. I've been at 19% now for four and a half years, and I don't want to go any lower. I just can't afford to. I've got things to do. I've got two beautiful granddaughters I want to play with.

Mrs. Kathryn McGarry: Thank goodness.

Following up on that, Carole, I know that you were answering MPP Gélinas about how many pulmonary rehab programs we need in Ontario. Can you give us another brief outline as to how you would see that? Could one pulmonary rehab centre be partnered with more than the 17 Fitness for Breath programs that you've got?

Ms. Carole Madeley: As I mentioned, right now in Ontario there are 43 pulmonary rehabilitation programs, and that is only allowing access for 4,524 patients. If we have 900,000 patients and we have pulmonary rehabilitation programs available in several communities across the province for these patients to be able to participate in, then it would make perfect sense to partner with a community fitness facility.

As I've developed Fitness for Breath, it is a very cost-effective plan because it's sustainable. The Ontario Lung Association goes in and does the training for the fitness trainers so they learn about COPD and how to look after this population of patients, but the fitness centres themselves own the program. One of the longest models we have here in Ontario is at the Abilities Centre in Whitby. That program has been going strong for almost four years, seeing a group of about 20 for a clients' meeting twice a week. We modelled Fitness for Breath after the successful model we saw at the Abilities Centre.

Mrs. Kathryn McGarry: So in terms of cost, there would be no cost to government, or very little; it's more taken on by the partnership?

Ms. Carole Madeley: Absolutely. The partnership definitely is important with relation to maintenance exercise programs. The cost to the government would be pulmonary rehabilitation, implemented either in hospitals or in communities—

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say you're out of time.

We have to go to the opposition. Mr. Coe.

Mr. Lorne Coe: As the MPP for Whitby–Oshawa, I appreciate your references to the Abilities Centre.

Thank you both for being here.

Are there any aspects of the legislation that in your estimation could be strengthened beyond what you've read, and if so, what aspects would you like to see included?

Ms. Carole Madeley: When I look at the legislation, I think the importance of the certified respiratory educators—just like if you have diabetes, you see a certified diabetes educator, it's very important to see a certified respiratory educator when you're looking at trying to manage your lung disease, because you need somebody who understands the management of that lung disease and who can teach you to self-manage your lung disease so that you have the skills to go on, and then, of course, down the line, decrease your hospital visits and decrease your primary care visits.

I think the importance is definitely related to certified respiratory educators in our system. That can solve a lot of problems, just like it has helped with managing diabetes in Ontario.

Mr. Lorne Coe: Thank you very much for your answer.

Thank you, Chair. To my colleague, please.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: Where are these programs to train to be a certified respiratory educator? Are there enough programs evenly placed throughout the province?

Ms. Carole Madeley: To become a certified respiratory educator in Ontario, the Ontario Lung Association actually offers a program. There's one aspect called asthma TREC and one aspect called COPD TREC. You go on to do these two components, and then you go on to challenge a certification exam that's set out by the Canadian Network for Respiratory Care, and then you become a certified respiratory educator. And, again, you have to recertify every five years. It would be a very similar approach to becoming a certified diabetes educator, as they also have to recertify.

The programs are available through the Ontario Lung Association. We try to get at least 10 to 15 people together to run workshops. We can run workshops throughout the province in different locations.

Mrs. Gila Martow: So is it like St. John Ambulance? How long are these programs?

Ms. Carole Madeley: If you do the asthma TREC and COPD TREC combined, that is a six-day workshop. Then you would go on to write the certification exam.

Mrs. Gila Martow: Okay. That's fantastic. Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation today.

Ms. Carole Madeley: Thank you very much for your time.

Ms. Bev Black: Thank you.

ONTARIO CHRONIC DISEASE PREVENTION ALLIANCE

The Chair (Mr. Peter Tabuns): Our next presenter, then, is the Ontario Chronic Disease Prevention Alliance:

Sherry Zarins. Ms. Zarins, have a seat. If you'd introduce yourself for Hansard. You have 10 minutes.

Ms. Sherry Zarins: My name is Sherry Zarins, and I'm here in my role as chair of the Ontario Chronic Disease Prevention Alliance. I'm going to be sharing my time with Chris Yaccato.

Chair, Vice-Chair, committee members, and Clerk: Thank you so much for providing the time to give a deputation today on the matter of Bill 41, the Lung Health Act.

Before I get started, I wonder if you could all humour me for just a moment. Take a deep breath and let it out. For me, public speaking makes me very anxious, but I find that if I take a couple of deep breaths, it helps to calm me down a little bit. But I wonder what it's like for the 2.4 million people in Ontario who have difficulty breathing, when the very act of breathing is what's increasing their anxiety. What happens when they need to calm themselves down? For some of them, it's sporadic, like a child with asthma. For some, it's more continuous, like Bev, who depends on oxygen 24/7.

I want to tell you a little bit about the OCDPA, or the Ontario Chronic Disease Prevention Alliance. It's an alliance of 22 health non-governmental organizations committed to integrated action on chronic disease prevention in the province. The purpose is to facilitate partnerships and support collaborative planning, implementation and evaluation of activities that address health promotion and the prevention of chronic disease, all of which are perfectly aligned with the establishment of a lung health action plan.

While the OCDPA is concerned with the prevention of all chronic diseases, we are acutely aware of the high cost of lung disease and the high proportion of costly hospitalizations, re-admittance to hospital, emergency room visits and home care services that are associated with lung disease and, in particular, with chronic obstructive pulmonary disease. As such, we are fully in support of MPP McGarry's private member's public bill to establish the Lung Health Act. We see this as an excellent opportunity to build upon the many initiatives already in place, such as the elimination of coal-fired power plants, the strengthening of a smoke-free Ontario and, more recently, Ryan's Law, and bringing these initiatives all together under one umbrella to eliminate duplication and to provide a coordinated and system-wide approach to lung health. The Lung Health Act would also bring together partners from across the wide continuum of prevention and health promotion.

A couple of examples of OCDPA member activities include:

- Ophea, with their connections throughout the school system and their work on programs for asthma-friendly schools;

- the Ontario Kinesiology Association is increasingly involved in incorporating smoking cessation with physical activity; and

- CAMH, with their extensive work in mental health, addiction and smoking cessation.

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All of these issues are very important to the lung health of Ontarians.

The lung health action plan would also aim to work across ministries, not just with the Ministry of Health and Long-Term Care, but also with the Ministry of the Environment regarding air quality issues, the Ministry of Municipal Affairs and Housing regarding radon and residential testing, and the Ministry of Education regarding asthma-friendly schools.

The plan would also consider the social determinants of health and work to reduce health inequities such as the high rate of lung disease in First Nations and the high rate of smoking with people with mental health issues.

More than half of Ontarians already have one or more chronic diseases. Of the four major chronic diseases—cancers, heart disease, diabetes and lung disease—lung disease is the only one without a coordinated provincial plan that can significantly reduce both the current and future health and economic burdens on Ontario.

The OCDPA was involved a number of years ago when the Lung Association, in partnership with more than 65 stakeholders, developed recommendations for a draft lung health action plan. These recommendations align very well with the Minister of Health's priority of increasing access to care for those who need it most through the Patients First: Action Plan for Health Care.

The proposed legislation will also establish a lung health advisory council for the purpose of considering matters related to lung health and making recommendations to the government of Ontario and the Minister of Health and Long-Term Care. The minister would then be responsible for developing and implementing an Ontario lung health action plan. Important would be the four pillars: health promotion and disease prevention; disease detection and management; policy partnership and community system support; and research, surveillance and knowledge translation.

In the end, the Ontario Chronic Disease Prevention Alliance believes that prevention of costly chronic disease is possible and that, in achieving greater degrees of prevention, Ontarians can live longer with improved quality of life and the provincial government can reduce its health spending.

We believe the Lung Health Act can and will contribute to our vision of making Ontario the healthiest province in Canada. Thank you.

The Chair (Mr. Peter Tabuns): Thank you.

Mr. Christopher Yaccato: Thank you, Chair, Vice-Chair, members and Clerk. I'm not sure how much time I have, but I'll just—

The Chair (Mr. Peter Tabuns): You've got about four and a half minutes.

Mr. Christopher Yaccato: Perfect.

Today you have heard and will hear from many experts on lung health, a diverse group of health care advocates and patients, after which I have no doubt you'll know truly why we need Bill 41, Lung Health Act, to pass.

I, though, would like to focus my words towards yourselves, your colleagues and staff, Minister Hoskins, Deputy Minister Bob Bell, the Ministry of Health and Long-Term Care, Minister Damerla, the Premier and leaders of the opposition; House Leaders Naqvi, Wilson—I appreciate the wonderful letter of support—and Gilles Bisson; countless staff who we have met with over the years: Drew Davidson, Derrick Araneda, Jackie Choquette, Tatum Wilson, Bill Killorn, and the list goes on; our lung health caucus members, MPPs Gélinas and Yurek, and I thank you especially for being such strong supporters and so vocal; and those who spoke to the bill during second reading. It was certainly an emotional day as each and every member who spoke had been affected by lung disease, be it themselves or a family member. I remember MPP Lisa Thompson walking across the floor and giving MPP McGarry a hug; I don't think that has ever happened in this place. Also, Leo Lehman, MPP McGarry's ever-so-diligent and fantastic executive assistant; and, last but not least, MPP McGarry: You made a commitment to us in 2014 when we met at Kayla's run. I say thank you for bringing this bill forward, showing leadership and helping to advance the protection of those who struggle to breathe. Because of your actions we are on path to help all Ontarians better breathe with ease.

To MPP McGarry's constituents and the constituents of all these wonderful elected members who have stood up and spoken on the need for an Ontario lung health action plan, it's a reminder of why we elect officials who say what they will do and do what they say.

Although this bill is not scheduled to become law today, make no mistake: We are well on our way to making your lung health a priority.

As this bill is primarily health-focused, MPP McGarry and Minister Hoskins, you and your staff have been honest in your discussions with us, and I know we will be able to establish an Ontario lung action plan. Its name doesn't matter, but its mandate, content, focus and leadership do.

We understand that this bill may go through changes and revisions; changes should be addressed sooner—today, in my humble opinion. But I say that we are hopeful and willing to work with you and your office to refine the content and come back in September, when the House resumes, to finalize its mandate, which fits very well with government's Patients First focus and can help lower wait times, save health care dollars and keep patients at home and out of hospitals.

I close now and remind each and every one of you how grateful we are for all you are doing to help all Ontarians better breathe with ease, because when you can't breathe, nothing else matters.

The Chair (Mr. Peter Tabuns): Thank you. We go first to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much for the shout-out, Chris, but we're here as a team. Certainly, I appreciate the fact that it's not just my own bill. I've had such great support from the co-chairs of the lung health caucus, MPPs Gélinas and Yurek. I very much

appreciate their support and, certainly, the recognition that it is very important that we do something for the future, and I think that now is the time. This bill does align very nicely with the transformational changes Patients First is undergoing, the new way we're going to do health care in the future. Thank you very much for that.

Sherry, may I just ask a little bit further about your ideas on prevention strategies across the province of Ontario—I know that you and I have had lots of conversations. How can this kind of strategy be partnered with other strategies, such as the diabetes, heart and stroke, and cancer strategies that we've already got? How can this help partner with and yet focus on lung health issues?

Ms. Sherry Zarins: I think it's important to first establish our plan for lung health. I think we can probably examine the other already existing strategies and pick and take things that are working, and maybe things that didn't work, and put that together and let it influence our plan.

The development of a lung health action plan provides not only the opportunity to coordinate existing initiatives that we have—for example, with smoke-free Ontario and Ryan's Law—but one of the pillars we have in our draft plan relates to policy and partnerships. Ryan's Law is an example of very significant legislation and very important legislation. However, more work can be done on coordinating the implementation, to ensure that the legislation is being adhered to throughout the province. By having an overall plan and a structure, there will be a way to monitor that and support the policy implementation.

Mrs. Kathryn McGarry: In talking about the framework to assist that, that would help to develop some of the partnerships throughout, I use the example of MTO road safety: We have all kinds of campaigns from our road safety partners, from MADD Canada to Arrive Alive Drive Sober. Certainly, the government appreciates having a lot of partners, many of whom are in the room today.

Can you speak to how that framework could help develop those partnerships?

Ms. Sherry Zarins: I think we had a really good start with our national lung health framework, which was put together a number of years ago and on which our draft lung health action plan is based. One of the pillars of that is—

The Chair (Mr. Peter Tabuns): I'm sorry, Ms. Zarins, but you're out of time with this caucus. I have to go to the opposition: Mr. Coe.

Mr. Lorne Coe: Thank you, Chair, and through you, to the delegation: Welcome, Chris and Sherry.

Mr. Christopher Yaccato: Nice to see you.

Mr. Lorne Coe: The bill, when you read it, requires the minister to increase awareness of lung-related diseases, which is a good thing. Yet the minister is not required to report on his or her efforts. A third party, the Ontario Health Quality Council, would be doing that. Do you see that as sufficient?

Ms. Sherry Zarins: I think it's definitely a step in the right direction.

Mr. Lorne Coe: Okay.

Mr. Christopher Yaccato: I think that would probably be a part that needs to be exactly refined: How do you report, what do you report and how do you follow through on its results? That would be one that we would have to look at and refine and go a step further, in my opinion. I think it would be comprehensive work with the ministry to find out exactly what their opinions and thoughts are on that. We'd have to take it to that next step.

1450

Mr. Lorne Coe: I raise that, through you, Chair, as somewhat of an oblique criticism but, I think, overall with a view to transparency. The effort and thrust that's evident in the legislation right now would be, I think, an added feature that could be considered. Thank you for your comment.

Through you, Chair, to my colleague, please.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: He's so formal. It's cute.

I get a lot of complaints about weeds in the park. Obviously, it's not healthy to spray for weeds, but a lot of allergy sufferers tell me that in the spring—especially kids with asthma—they can't go near the parks because of all the pollen. I had spoken to somebody who knew something about what the best practice is, and they had suggested we need to mow more often so that the weeds don't have time to create that sort of pollen. I'm not an expert on it. I'm wondering if you have some comments.

Mr. Christopher Yaccato: Not specifically on weeds. Carole, our respiratory educator, may have a little more.

Rob Oliphant, former chair of the Asthma Society of Canada, talked at a committee regarding the types of trees we are planting. Some are more prone to producing different types of pollen etc. that exacerbate people's lung health. So those types of things that we could maybe work with municipalities on—even something small like that, the types of trees we plant, that would lower those exacerbations in people's lungs.

Sherry.

Ms. Sherry Zarins: I'm certainly not an expert on trees, but to build on your point in terms of those partnerships we were talking about and working with the Ministry of Municipal Affairs and Housing, that would be exactly the type of example.

More important, beyond the pollen, you mentioned—

The Chair (Mr. Peter Tabuns): Ms. Zarins, I'm sorry. With this questioner, we're out of time.

We go to the third party. Ms. Gélinas.

M^{me} France Gélinas: My question is a little bit in line with the first one that was asked.

Basically, if we come back to Ryan's Law, I was really pleased when we passed this law. I think it can do good things. But at the same time, I have a very hard time tracking it on the ground, as to how many schools have implemented it and what it looks like from one

school board to the next etc. I want to learn from this for this new bill that we are putting forward.

Have you guys given any thought as to some reporting back that would be mandatory—and put it in the bill rather than in regulation so we don't find ourselves in the situation right now where we all agree that Ryan's Law is good but we have no idea what's going on.

Mr. Christopher Yaccato: You're absolutely right. With Ryan's Law, specifically, we're a little lost in tracking of exactly what's going on, what school board is doing what and so on. It has been a year since everyone in this chamber rose and passed it, so there has got to be a lot more work on that front.

With respect to managing lung health in Ontario, I think the plan could look to address that, and I think we're open to ideas to present. Sherry and I and various other stakeholders would probably need the time to look further into reporting mechanisms to make sure that—not an Ombudsman report or anything that significant. We don't want to burden the ministry with more reporting and keeping their hands clasped. Yet, at the same time, we need to make sure—I think there's an annual Air Quality Health Index report that comes out. Something like that is open and transparent so we can see either progress or areas of weakness—maybe there are areas where we're doing extremely well, but maybe we could focus some attention elsewhere.

M^{me} France Gélinas: I would encourage you to think that through. We are legislators. We look at bills. You can see that we all want to get there. We're all going in the same direction. Nobody's opposed to this. So I want as strong a bill as possible.

We know from experience that some of the bills that were supported by all of the Legislature—I'm going back to Ryan's Law, and I'm thinking, "Darn, I should have put an amendment for reporting back so we don't have to put all of this effort to find out where we're at." So if you could think that through and bring something forward, I think you would do all of us a great service.

I have no doubt we will get there. We will have a council. We will have an action plan. Let's think success and think down the road to what kind of reporting back we would like. And I'm sorry I cut you off.

Ms. Sherry Zarins: That's okay.

The Chair (Mr. Peter Tabuns): With that, we've run out of time, I'm sorry to say.

Mr. Christopher Yaccato: Thank you. Good idea.

M^{me} France Gélinas: I'm doubly sorry.

The Speaker (Hon. Dave Levac): Thank you very much for your presentation today.

TORONTO PUBLIC HEALTH

The Chair (Mr. Peter Tabuns): Our next presenter, then, is Toronto Public Health: Ms. Elizabeth Rea. Ms. Rea, as you've heard, you have up to 10 minutes. If you'd introduce yourself for Hansard, we'll go from there.

Dr. Elizabeth Rea: Thanks for allowing me to speak. I'm Dr. Elizabeth Rea. I'm the associate medical officer

of health for the tuberculosis program at Toronto Public Health, and I'm speaking in support of the bill.

I do want to speak, somewhat predictably after that introduction, about a specific disease that I don't think even the organizers of the bill had front of mind, and that's tuberculosis, which is curable almost all of the time, but that does involve an extended and very involved treatment. It's very severe if it's not treated. About half of people will die within two years if they don't have access to diagnosis and treatment. As a bonus issue, which doesn't apply to most of the broad strokes lung health issues in Ontario, it's infectious. That means there's obviously a huge vested interest for patients, their families and friends affected by TB, but also entire communities.

We don't have anywhere near as much TB in Ontario as we did 50 years ago, but there's still about 600 people a year who get sick with tuberculosis. So it's not a population-wide issue in Ontario as much as it used to be, which puts it in a funny position, because it's definitely one of the big global public health issues, but with only 600 cases a year, it's also heading to the realm of almost a rare disease. The vast majority of family docs and even respirologists and infectious disease physicians haven't dealt with TB. It really is becoming a disease that needs specialized care on both the clinical end and, to a large extent, on the public health end. Yet, in Ontario, as you know, we have a very decentralized system and there's currently no real infrastructure to make sure that a TB diagnosis and care and the public health follow-up are available at a high standard in all of our communities. So my hope is that TB is an example of one of the specific conditions that this committee would be able to look at in some depth and provide practical, concrete advice about how to improve the current situation and get us closer to the elimination of TB in Ontario.

The other specific thing I wanted to bring up about the bill is that currently the way it's worded, the membership of the advisory committee doesn't specify including anybody from public health. Obviously, TB is one part of that, but public health units in Ontario have been involved extensively for many, many years, particularly on air quality, indoor and outdoor air quality, smoking issues, and there's a lot that happens at the local level through those public health coalitions. It would, I think, be very important to make sure that the work of this committee is well coordinated with those other community-level initiatives around air quality, in particular.

The Chair (Mr. Peter Tabuns): Thank you. Our first question, then, goes to the opposition. Mr. Coe.

Mr. Lorne Coe: Thank you, Elizabeth, for being here. As you probably know, I was president of the Association of Local Public Health Agencies for six years prior to getting elected. My question does turn to the composition of the council, and yes, I agree with you that there should be representation from public health. Would you see it being from the association?

1500

Dr. Elizabeth Rea: That's probably the easiest way to identify somebody. There are many public health units.

Referring it to alPHA would allow alPHA to say, "Okay, who is the most involved and available?" It seems like an easy mechanism.

Mr. Lorne Coe: Well, just given the background experience of public health in general in this area, but more specifically the comments that they've provided on this legislation, it would be worthwhile considering. Would you agree?

Dr. Elizabeth Rea: Absolutely.

Mr. Lorne Coe: Would you also think it would be worthwhile considering, as an addition on the council, a clinical researcher?

Dr. Elizabeth Rea: That might be a very useful perspective, yes. I mean, there is a lot of evidence, obviously, and a lot to sift through. I don't think we'll ever get to the point where there's a definitive answer for everything, but having somebody available to the advisory group who can be somewhat of a guide through the evidence might be extremely helpful.

Mr. Lorne Coe: Well, thank you very much for your answer.

Through you, Chair, to my colleague, please.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: Thank you very much for coming in today. I think that there are the chronic lung health concerns, preventative and chronic disease, but we also have to address infectious readiness. I was sort of hoping to see somebody on the list today who would be specifically addressing having a plan in place. I think that's where we need to have the public health and that's partly why we need to have the public health. We need to have an emergency plan in place for how to deal with—it's not if, it's when—and I'm wondering if you have any specific comments on that.

Dr. Elizabeth Rea: I think you're absolutely right about the issue. I suppose there are lots of different mechanisms to deal with that issue. I guess I am cognizant that a lot of the lung health issues aren't infectious and that there are already other initiatives around emergency response and public health infection control issues.

So I guess my only real comment about that is, yes, I agree that it's important for the Legislature and the government, broadly, to deal with it, and if this advisory group did take it on, that they would need to make sure they were well connected with other structures that are already in place dealing with those issues.

Mrs. Gila Martow: So I just wanted—if I have one more second?

The Chair (Mr. Peter Tabuns): One more second.

Mrs. Gila Martow: I just wanted to be on the record that Quebec has a very distinct plan in place. I think Marie-France was with me last year when they spoke about that and we were kind of a little bit left in the dust in terms of preparedness.

The Chair (Mr. Peter Tabuns): Thank you. With that, we go to the third party. Ms. Gélinas?

M^{me} France Gélinas: It's a pleasure to meet you, Dr. Rea. I did not know we had an associate medical officer

of health at Toronto Public Health who dealt with tuberculosis. I thought tuberculosis had been handled and there were maybe two or three cases every decade, but 600 a year?

Dr. Elizabeth Rea: Yes, and those are only the people who are ill with TB. I mean, even in Toronto we have 2,000 contacts of TB every year who need medical care to work them up and make sure they're okay and get their follow-up, so it's—

M^{me} France Gélinas: And is most of that care provided in the community or in our hospitals?

Dr. Elizabeth Rea: Not so many people have to be hospitalized for TB anymore, but it is still specialist care, so often those specialists are based out of hospitals.

M^{me} France Gélinas: What's the role of the health unit's tuberculosis program?

Dr. Elizabeth Rea: Right. Most provinces have a unified provincial TB program with the public health and the clinical part of it all integrated under one roof. In Ontario, it's quite separate, which is part of the decentralization tension for TB. So clinical care happens from the physician, but public health is responsible for supplying the drugs, ensuring that the treatment is adequate, providing the nursing care and directly observed therapy for the patients and the supports for families, making sure that people stay in home isolation while they're infectious and that they actually complete treatment, so that involves daily involved therapy. It's public health that does all of the contact follow-up investigations and a bunch of the outreach, education and prevention type of work.

M^{me} France Gélinas: All right. I must say that you were not on my radar when I was thinking about the lung health advisory council, and I'm really sorry about this. You are now. Thank you for coming.

There are lots of big issues with millions of people—maybe not millions, but hundreds of thousands of people—that will tend to take a lot of time, effort and energy from the new council once we start. How do we make sure that you don't fall off?

Dr. Elizabeth Rea: It's a good question. I think it's an issue or a tension for any disease that's potentially high impact but low volume. The people who are involved in TB care are a pretty dedicated bunch. To some extent, you could almost farm out the concerns.

M^{me} France Gélinas: So is there a strategy that exists that—

The Chair (Mr. Peter Tabuns): Ms. Gélinas, I'm sorry to say you're out of time.

M^{me} France Gélinas: I'm really sorry also.

The Chair (Mr. Peter Tabuns): I'm sure you are. We go to the government. Mr. Anderson.

Mr. Granville Anderson: Thank you, Dr. Rea, for coming and thanks for the excellent presentation here this afternoon. It would be remiss of me if I didn't thank MPP McGarry for bringing this bill forward.

TB is not considered chronic in Canada or Ontario anymore, one of the chronic lung diseases. It does affect the spine, I believe, and the brain to some extent, and

kidneys as well. Could you elaborate on what's going on in Ontario with respect to TB and—perhaps that's enough for now.

Dr. Elizabeth Rea: Sort of the dimensions of TB in Ontario?

Mr. Granville Anderson: Yes.

Dr. Elizabeth Rea: Okay. There are about 600 cases a year. Most of it is related to people who were born outside of Canada, where there's a lot more TB, became infected, usually years ago, and long after they came to Canada they became ill. So the patterns of it do tend to follow, broadly speaking, the patterns of immigration in Ontario, which is again one of the tensions. Peterborough didn't used to have a lot of people from India, but there are more and more now. About two thirds of people with TB have it in their lungs. You're right; you can also get TB in pretty much any other part of the body as well. If it's in the lungs, it's infectious. Treatment takes about a minimum of six months.

Mr. Granville Anderson: That is what would have been my next question, whether it came in from outside predominantly. I have a friend who is a public health nurse, I guess with your unit. She told me that she's going to homes, I guess, once per week to make sure—

Dr. Elizabeth Rea: Oh, she does directly observed therapy?

Mr. Granville Anderson: Yes. So I said, “Are you not afraid of catching it?” She said they get tested every six months or something like that.

My next question is, specific to the bill, could TB focus be incorporated? How would you focus that? How would you incorporate that, and if so, what would that incorporation look like?

Dr. Elizabeth Rea: I guess, from my end, the big concern that I have about TB is that there's not an infrastructure to ensure specialist care. I really think we're getting to the point in Ontario where there needs to be some centralization, the same way we've kind of centralized oncology care, to some extent, so your family doctor is not treating you for your brain cancer. There needs to be some kind of coordination referral mechanism. That's the piece I think that I'm most hoping a committee like this would be able to provide input on.

Mr. Granville Anderson: Okay. I believe my colleague Ms. Martow touched on this. How would a lung health action plan protect Ontarians and what would that plan look like? What do you think that plan should look like?

The Chair (Mr. Peter Tabuns): Mr. Anderson, I'm sorry to say you've run out of time.

Mr. Granville Anderson: Oh, okay.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation today.

I've had a request from Ms. Martow for a five-minute recess. Is the committee agreeable? Okay, excellent. Thank you all.

The committee recessed from 1510 to 1518.

The Chair (Mr. Peter Tabuns): Good afternoon, everyone. We have enough members back at the table to resume.

RESPIRATORY THERAPY SOCIETY OF ONTARIO

The Chair (Mr. Peter Tabuns): Our next presentation is from the Respiratory Therapy Society of Ontario: Ms. Nancy Garvey. Ms. Garvey, if you would introduce yourself for Hansard. As you've heard, you have up to 10 minutes.

Ms. Nancy Garvey: Thank you. I am Nancy Garvey, a respiratory therapist. I have a master's degree in applied science. I'm the research committee co-chair for the RTSO.

First, I would like to thank the committee for the opportunity to speak on behalf of the RTSO and to submit this deputation regarding the Lung Health Act, 2016.

As a complement to this presentation, I have the honour of sharing a recent copy of our *Airwaves* news journal which includes the RTSO's feedback to the Patients First discussion paper forwarded to the minister's office as well as each of the LHIN CEOs. Aiming to "go green," I just have 10 original copies left over from the spring edition that are being distributed. I understand that some additional copies are being printed. It is available on our website also.

There are approximately 3,150 RRTs practising in Ontario. Many are part of transformative, evidence-based, patient-centred programs for infants, children and adults with cardiorespiratory conditions across the province. We believe that the successes, as well as the lessons learned, can be adapted to help address local needs with appropriate local resources and a cost-effective, transparent, responsible approach. We hope you will not hesitate to refer to the feedback document for ideas related to improving lung health, in addition to the advocacy documents and presentations provided by our colleagues here today.

During this presentation, I aim to address the complexities of lung health related to the complexities of the health care system and transformation in particular and the need for a well-thought-out, comprehensive, coordinated approach to address these complex issues that is patient-centred, transformative, effective and efficient—namely, the need for the Lung Health Act.

To provide an insight into the complexities of lung health, I'd like to begin with a personal reflective story. When I was in high school, I loved and did well in science and math, and am still intrigued by the challenges they present. When I was looking at career choices I took that into consideration, as well as my desire to work with people and ideally do something that would make a difference in their lives—a complex challenge. Health care was the easy choice.

When I first heard about respiratory therapy, I almost readily discounted it, thinking it wouldn't provide enough of a challenge and there wouldn't be too much to do. "Really: The air goes in; the air goes out. How complex is that? That is what most people think of in terms of breathing and lung health. Will that really keep me challenged and engaged in making a significant differ-

ence in people's lives for the rest of my career?" Well, I quickly learned otherwise. At times the complexities were almost overwhelming. To begin, lung health is important for everyone, from birth to the end of life.

The respiratory system, including the nose and mouth, warms air to body temperature, filters particles that may cause harm, adds humidity to keep the lung environment healthy, and transfers oxygen to blood as it flows through the lungs for delivery to cells throughout the body, as well as dumping carbon dioxide, a waste product from the cells throughout our body. Lungs have a large but limited capacity to enable vigorous exercise as well as quiet breathing. That capacity is adversely affected by the slow onset of chronic lung diseases, as the respiratory system can be overburdened by air pollution and other harmful exposures where people live, learn, work and play.

We're all familiar with examples like off-gassing in home building materials, mould in schools, dust in work settings and what used to be tobacco smoke in public places. Additionally, the lung's ability to respond quickly to sudden onsets of infectious disease or other harmful exposures can become compromised. Poor lung function contributes to other chronic conditions, resulting in multi-morbid complex conditions, visits to health care providers, emergency department visits, hospitalizations and increased needs for home and long-term care.

Increases in our middle-aged and elderly population will lead to an increased incidence of respiratory conditions such as COPD and pneumonia. Respiratory disorders can permanently damage the lungs and restrict lung functions.

Over 40 years later, I can testify that the chemistry of acid-base balance, the physics of airflow, opportunities to interact with interdisciplinary colleagues, and the privilege of providing respiratory care to babies, children and adults, contributing to them living better lives where they live, learn, work and play, as well as the complexities associated with lung health that I've just described, have kept me well challenged, as are all of us working with and caring for people who have or are at risk of having respiratory-related conditions. We are all faced with, and our bodies have to deal with, the complexities of lung health every day of our lives, which is directly related to the complexities involved in addressing changes in the health care system and the need for a comprehensive, coordinated plan.

As the ministry's Externally-Informed Annual Health Systems Trends Report from 2014 reports, "Canadian health care systems have their foundation in acute care, and perform their best when addressing urgent needs."

It also reiterates a message that the World Health Organization documented years ago, and that has been mentioned here today, that chronic respiratory disease is one of the top four chronic diseases affecting populations around the world.

The Trends Report also observes, "The most prevalent chronic diseases ... require regular and extended care, and are therefore mismatched with the episodic model of care."

We know that part of our health system includes regular and extended care and we know that that part is changing to meet the needs of people who are living longer and often with multiple chronic conditions.

We also know that a lot can and needs to be done upstream in the health care system to promote lung health and prevent both the onset and progression of chronic conditions as well as uncontrolled and avoidable exacerbations.

I'd like to call your attention to the National Lung Health Framework continuum of care schematic on which the draft of the Ontario lung health action plan is based. Across the middle, it identifies stages of health, from the healthy at-risk populations to end-of-life palliative care, and related characteristics, at the bottom, as the determinants of health. It identifies health promotion and disease prevention, disease detection and management, policy, partnerships, community support, research, surveillance and knowledge translation as key elements needed to address the physiological and health care system complexities that affect lung health.

What policies, programs and resources are put in place to address each of these elements of care? How do we change the focus of health care from episodic acute care to include a stronger focus on health promotion and disease prevention while supporting infants, children and adults along each step of the continuum? How will eHealth and mobile health apps fit into the picture?

There's no magic bullet, no easy answer to the complexities affecting lung health. We need to ensure that the complex changes that are made provide the best value for patients and their caregivers as well as being cost-effective for the system.

Health system transformation in Ontario recognizes the need for change. A lung health advisory can bring together a variety of expertise, including LHIN-based informants, to provide advice and identify opportunities for system improvements. A lung health advisory will make responsible recommendations that have maximum impact on the burden of chronic and infectious respiratory disease, taking lung health and health-care-system complexities into consideration.

Our province is a recognized leader for our smoke-free Ontario legislation, commitment to air quality and other public health programs that promote and support lung health. We have marked significant inroads in the provision of asthma, COPD and other lung health programs and services as part of interdisciplinary teams in primary care. We're looking at another very realistic opportunity to lead the nation and the world in the development of a comprehensive, coordinated plan for lung health that will have significant positive health outcomes for infants, children and adults in Ontario, as well as the system.

Working together, we can help Ontarians have better lung health and so have better lives, be engaged, happier members of their communities—Ms. Black—contributing to a stronger Ontario. So I ask you today, just as the Lung Health Alliance partners strive to do what they do well for patients on a daily basis, to do what you do well:

Make a difference in the lives of Ontarians and move Bill 41, the Lung Health Act, forward to third reading as soon as possible.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. We go first to Ms. Gélinas.

M^{me} France Gélinas: Thank you. I've talked to some of the previous presenters—I'm not sure if you were here or not—about what would be some indicators that the council did its work, that the plan has worked. I'm into the future, where the council is there, they've done a plan, the plan is being implemented. What are some of the indicators that would prove to us that we have done good work—"we" as in the collective; I'm not going to be the one carrying out the plans—and who should be the one who reports on that?

1530

Ms. Nancy Garvey: I would propose—particularly with the changes occurring at the LHIN level, where they're going to be coordinating care for their LHINs—that there be some accountability for the LHINs to report back to the ministry on the indicators that are decided upon. I would defer to the advisory council to define those indicators in particular. I can project that some essential ones will be reductions in emergency department visits and hospitalizations.

The primary care asthma program was referred to earlier. It was a pilot project for four years from the beginning of 2002 to 2006 in 17 sites. Now, with the lung association's leadership, it has expanded to 150 primary care sites across the province and has resulted in significant decreases in emergency department visits.

M^{me} France Gélinas: I'll just ask you a quick one. I have no problem with having the LHINs report back on indicators that, I take it, the council would have identified to report. Reporting to the minister versus reporting to Ontarians: Should those reports be for all to see or for the minister?

Ms. Nancy Garvey: For all to see.

M^{me} France Gélinas: For all to see.

Ms. Nancy Garvey: Yes.

M^{me} France Gélinas: You would be confident with leaving the identification of indicators to the lung health advisory council?

Ms. Nancy Garvey: Assuming that there will be someone from, say, Health Quality Ontario who would be part of the council. I think there is a framework being developed or, if it's not already developed, I know that the lung association has worked with HQO on the development of indicators. Dr. Teresa To from SickKids and ICES has been a leader in the development of indicators for COPD and asthma. I have confidence that there could be a reporting system recommended through the interaction of the council when it comes together.

M^{me} France Gélinas: With the help of all of the partners you have named and the LHINs putting all those indicators together to report back to the public.

Ms. Nancy Garvey: Yes.

M^{me} France Gélinas: Okay. Thank you.

The Chair (Mr. Peter Tabuns): We go to the government: Madame Lalonde.

Mrs. Marie-France Lalonde: Thank you for being here with us this afternoon, and thank you for your support of Bill 41.

I had the great pleasure of actually being part of a multi-disciplinary team a few years ago, as a social worker working in a hospital, and I certainly value the role that respiratory therapists provided to us while we were trying to discharge some of our patients and some of the health care issues we were facing then.

But there has also been an evolution in our health care system, and I have not been a part of that system, but maybe I can ask you. We know that technology has been playing a more impactful role in our health care system. What equipment do you see as often used in the home and the community right now?

Ms. Nancy Garvey: I think we're sitting on the edge of a huge explosion in the use of mobile health apps. A friend of mine, a 77-year-old grandma, had open heart surgery six months ago, and she has a Fitbit to track her 5,000-steps-a-day goal. I think we're going to see more of that. Colleagues we worked with from the lung association are leading the development of a mobile health app for asthma and COPD, where people can monitor their asthma and get two-way directional messages about their asthma going out of control etc. It's really remarkable. I think all of that is going to be integrated into the electronic medical record.

I have been doing some work with eHealth Ontario in the Connecting South West Ontario strategy. There is a Rhapsody integration application that, just over the last couple of years, has created a tunnel to integrate mobile health app information into EMRs. There's all kinds of technology, along with point-of-service systems that can monitor oxygen saturation etc. in the primary care office versus having to go to the hospital to have some tests done. Spirometry in primary care has been mentioned.

I think there are some huge advances that we're just on the edge of moving forward with, as we move things upstream.

Mrs. Marie-France Lalonde: Thank you very much. I think you've sort of answered a little bit of my next question. I guess I see this as a huge impact, in terms of having access for people in the community, being a part of their health care, giving them empowerment in their own health system. How are seniors responding to this new technology?

Ms. Nancy Garvey: I think very positively. I mean, Bev was talking about texting her granddaughter and, as I said, the 77-year-old has her Fitbit. I mean, I'm looking at 70 and I'm right into it too—

The Chair (Mr. Peter Tabuns): I'm sorry to say that with that, you're out of time for this question. Someone else may follow up.

To the opposition: Mr. Coe.

Mr. Lorne Coe: Through you, to our delegation: Nancy, thanks for the presentation. It was excellent.

You were in the audience when I asked my question of Elizabeth about the composition of the lung health advisory committee, so you'll appreciate this as the research co-chair.

Given the focus of the work of the lung health advisory council—as I read it, a part of that, probably a large part of it, is going to be focusing on critical evaluation of basic and clinical data. Do you think it would be helpful to have a clinical researcher as part of the composition?

Ms. Nancy Garvey: Absolutely. I think that we have, again, some amazing respiratory researchers in Ontario. ICES has some excellent researchers who have been working with programs. I'll leave it at that.

Mr. Lorne Coe: I just want to take you now to the part of the legislation that talks about reports. The legislation at the present time speaks to an interim report being published by the minister within two years relative to the progress in developing the Ontario lung health action plan. Do you think that's too short, too long or just right?

Ms. Nancy Garvey: I think it depends on how the advisory is organized, funded and project managed, and what type of change management processes are in place.

Mr. Lorne Coe: Well, my question is more based in the research component again because, typically, it would be a longer horizon than two years to do the critical evaluative research of the model that's reflected here.

Ms. Nancy Garvey: Yes. I agree with you completely on that. I guess what is expected in two years in terms of the interim report—it could be a status update and it might be the plan as it's laid out.

With a lot of ministry programs that I'm familiar with, there is about a five-year time frame for implementation and evaluation because, again, you have to be able to measure the changes pre and post program implementation and you have that rolling cycle. So, yes, you need the time.

Mr. Lorne Coe: Thank you very much for your answer. Thank you, Chair.

The Chair (Mr. Peter Tabuns): We'll go on to our next presenter then. Thanks for your presentation.

Ms. Nancy Garvey: Do I have time for one other comment?

Mrs. Gila Martow: Sure. Can you please give us one more comment?

Ms. Nancy Garvey: Just when you were talking about representation, to include somebody from primary care and the different points along the health care system: When you asked previously about public health, maybe Public Health Ontario would be a good person to represent.

You made reference, with your research question, to including a clinical researcher, but to make sure that the whole program clearly reflects development, implementation and evaluation—

The Chair (Mr. Peter Tabuns): And with that, you are out of time. Thank you very much.

UNIVERSITY HEALTH NETWORK

The Chair (Mr. Peter Tabuns): Our next presenter, then, is University Health Network, Mr. John Granton. Mr. Granton? Good afternoon. When you have a seat,

could you identify yourself for Hansard? Then you have up to 10 minutes.

Dr. John Granton: Sure. Thank you very much. My name is Dr. John Granton. I'm the head of respirology at University Health Network, Women's College Hospital and Mount Sinai Health System. I'm also current chair of the Ontario Lung Association board and past president of the Ontario Thoracic Society and the Canadian Critical Care Society.

On behalf of my colleagues across Ontario—and I speak to the broad sense of colleagues, both as it relates to my physician colleagues as well as nurses and respiratory therapists and those interested in preserving lung health—I'd like to thank you for this opportunity. In fact, I'm very excited about the opportunity to speak with you today and hopefully address some of your questions moving forward.

I also wanted to thank Kathryn McGarry for her hard work in bringing this bill forward and your hard work in bringing it into law, hopefully; and as well, the lung health caucus and the Ontario Lung Association for working collaboratively with the government to make this happen.

1540

I'm really here on behalf of my patients. I think, for a long time now—I guess it's a sense of frustration as a physician, and certainly as a patient, at really not being able to realize the benefits, which are so close at hand, in consolidating how we manage patients with lung disease.

You've heard a little bit about the importance of lungs, and Dr. Gershon will give you the statistics on it, but on a personal level lungs are extremely important. They're exposed to the entire environment. They receive the full cardiac output, unlike any organ in the body. They can have a primary disease associated, things like asthma, emphysema, obstructive lung disease, that you're familiar with, or pulmonary fibrosis. But, because of how they're uniquely positioned in the body and what they are exposed to, they're often the casualty of so many other conditions. Think of pneumonia, severe acute lung injury, people having to go on heart-lung machines and lung transplantation, people with rheumatic diseases or people with cancer, like lung cancer. Also, the complications of cancer care commonly affect the lung.

Lung disease is one of the most common reasons we admit patients to hospital, and it is one of the most common reasons why we readmit patients to hospital. Singularly, it is one of the largest diseases which influences our health care expenditures.

So it has been frustrating for so long to see this group of conditions so badly orphaned. We recognize that lung cancer is the most common cause of death in patients with cancer, more than colon cancer and breast cancer combined. We're seeing a change in demographic. This is not a men's health issue now; this is a women's health issue, with more women smoking and being exposed to the side effects of cigarette smoke. We're seeing much more lung cancer in women. This disease does not respect gender; it does not respect age. We see children

with lung disease. We see adults with lung disease. It is a burgeoning health problem. Until this point we really, as a group, have not paid enough attention to lung disease in general. So this is a fantastic opportunity.

I want to convey to you that this bill is vital, really, to move forward, as a group, to improve health outcomes for our citizens. I'm really here to urge you to help move this bill forward. I think that by utilizing the collective expertise of the council, and with the minister, to develop a lung health action plan, and using the lung health caucus as a group of expertise—and it does need to bring in a broad group of experts, both from the ministry as well as from NGOs, from research—to really develop a very fulsome strategy to not only develop a fulsome lung health management plan, but also to develop those metrics, which are so crucially important to ensure that those programs are accountable to the population, accountable to the patients and accountable to the government for its investment, that can be easily done.

We also recognize that there are many silo programs across the province, which are currently up and running through the generous support of this government and previous governments, as well as from private funding organizations, through the lung associations and other associations, which are working. We know they're working. I think this is an excellent opportunity to kind of shepherd the kittens and bring them together to develop a fulsome strategy which reaches all Ontarians.

I want to help you understand that much of what we need to do, we already know. It's simply capitalizing on those programs and harmonizing them across the province that will make a huge difference. We heard some things around technology. You've probably heard about pulmonary rehabilitation and the importance, really, of simple diagnosis to properly identify patients with lung disease early on to make sure they receive appropriate treatments, but equally—and it is a common problem—to make sure that patients who have been mislabelled as having lung disease are no longer treated with these expensive pharmacotherapies and achieve appropriate treatments for the underlying heart disease, which might be masquerading as lung disease or mislabelled. All of these things, I think, can be brought to bear with the passage of this bill.

The final thing I would say is that the chances to improve productivity, the chances to reduce hospitalizations and the chances to improve the outcomes and the well-being of Ontarians with lung disease rely heavily on the passage of this bill. And so I am, along with my colleagues, tremendously supportive of this initiative and will back you 100% to make sure it succeeds.

I'll take your questions.

The Chair (Mr. Peter Tabuns): Thank you very much. We go to the government: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Dr. Granton, for coming this afternoon. I'm absolutely delighted to have you here. I know we have had a lot of conversation regarding a lung health action plan and why it's so important in Ontario. I know that lung disease,

including COPD, lung cancer and chronic conditions, takes up a high percentage of our hospital budgets and our health care spending because of hospital admissions, readmissions and home and community care. I know that research is a component of what it takes to ensure that we can have early diagnosis and that we have a gold standard of care across the province for certain conditions such as COPD.

Why is it necessary, though, to initiate a full lung health action plan in Ontario rather than the piecemeal approach that we've had so far?

Dr. John Granton: It's a very good question. Like most chronic diseases, it requires a very fulsome strategy which is all-encompassing. I think, because of the complex nature of lung disease and the fact that patients also have many comorbidities, it requires a strategy which can deal with early diagnosis, early treatment, education, prompt therapy, follow-up, and also patient and provider education to make sure that the learning sinks home and that patients can adapt their lifestyle and, importantly, improve their outcomes.

That can only happen through a comprehensive strategy. I don't think you can piecemeal them because they overlap so much and are so—they're integral to each other. You can't do one, essentially, without the other. The common thread through all of this is an iterative process, which is essentially research: trying to measure it and improve upon it and learn from it as we move forward. That could be on any level. Within Ontario, there are many talented researchers—you'll hear from one right after me—who are capable of conducting the very important research as it relates to the impact of different programs and the impact of the condition on Ontarians.

Mrs. Kathryn McGarry: One of the things that I have been interested in is the simple spirometry test. Actually, you administered mine—

Dr. John Granton: That's right. You do not have COPD.

Mrs. Kathryn McGarry: —to prove that I do not have COPD. Yes, it was there in black and white. Can you talk about how it would be, in order to get that early diagnosis with COPD in particular, and how you would roll out the gold standard of care to all providers in Ontario?

Dr. John Granton: The elements are there. Ensuring that labs are properly funded to carry out those investigations—I can speak to Ottawa, which actually closed one of its pulmonary function testing—

The Chair (Mr. Peter Tabuns): Dr. Granton, I'm sorry to say that you've run out of time with the government. We go to the official opposition: Ms. Martow.

Mrs. Gila Martow: Thank you very much for coming in and presenting. One of the discussions that I have with my family—I was an optometrist, my husband is an ophthalmologist and my stepson is doing cardiology training. We have this discussion about the models of health care. One of the concerns is bureaucracy: that bureaucracy is eating up too many health care dollars and

that when we create a new type of bureaucracy we don't necessarily get rid of other layers of bureaucracy or programs or things like that.

The other is that doctors used to be the driving force of organizing health care and how it was delivered, and running hospitals. Fifty years ago, really, the hospitals were run by the physicians. Now it's a much more co-operative thing. Actually, it's the whole field of hospital administrators running hospitals. As a physician—you are a physician—

Dr. John Granton: Yes.

Mrs. Gila Martow: Yes, you're a respirologist. Just wanted to be sure. What is your feeling about doctors organizing the administration of health care delivery and prioritizing how that delivery is done and organizing it more? Do you feel that doctors have kind of lost control over some of that? I'm not trying to put you on the spot.

Dr. John Granton: No, no. We've matured as physicians, hopefully. I think the days of physicians being the pinnacle of how care is provided have changed appropriately. Most of us have realized that this is a team contact sport and that we rely heavily on our front-line providers—home care workers, respiratory therapists, educators, nurses and physicians—to provide comprehensive care. It speaks to Kathryn's point about developing a very fulsome model of how we actually treat patients with a chronic condition.

1550

Lung disease is no different than heart disease or kidney disease. I think, up until this point, we really have not paid attention to a condition which is incredibly common. So I don't think it's any one group of individuals; it's going to be a collaborative group of individuals focused on providing this strategy.

Mrs. Gila Martow: Would you like to see more effort being made to facilitate physicians to have it less formal? Right now, a physician refers to another physician. There's so much back and forth until these letters get read, faxed, emailed and things like that—more of a casual, monthly video conference to review with the nurses, with the doctors, with the respirology team, and to have that co-operative fitness discussion—even the patients themselves—to have more of that “use the technology” to have those discussions?

Dr. John Granton: Yes.

Mrs. Gila Martow: Okay.

Dr. John Granton: Because I see we're running out of time.

The Chair (Mr. Peter Tabuns): Ms. Martow, that was a very good question, but you ate up your time.

Madame Gélinas.

M^{me} France Gélinas: Just to allow you to finish your thought, when the last question came to you, you were talking about the importance of having a lab properly funded. You talked about, specifically in Ottawa, where one of the pulmonary function labs closed. Was it a pulmonary function lab?

Dr. John Granton: Yes.

M^{me} France Gélinas: How many do we have right now?

Dr. John Granton: I don't know the answer to that question. There are many independent labs and there are many within hospitals.

Clearly, I think the fact that the Ottawa one closed was, again, a lack of recognition of the importance of that diagnosis and some ignorance on the part of the administrators on the importance of diagnosis. I think it speaks to a general lack of understanding as to the importance of diagnosing, in a timely way and accurately, lung disease.

You would never do surgery or prescribe medication for a condition that you haven't diagnosed, and yet for lung disease, I can tell you, we routinely prescribe medications for something we haven't proven. So I think it behooves us, as health care professionals, to properly diagnose our patients and make sure we have the right disease and the right patient so that they can get the right treatment at the right time. And we're not doing that.

M^{me} France Gélinas: You also started by saying that we are not able to realize the full benefits of—and then you went on to a different track. What were you talking about?

Dr. John Granton: Sorry; I do that once in a while. The full benefits of many programs: If you look at nurse educators, if you look at smoking cessation, of which there is a clear health benefit, there's a clear cost savings with this and a clear effect on hospitalizations, readmissions and a mortality benefit—rolling that out for every Ontarian to have access to, and pulmonary rehabilitation. That's not unique to respiratory disease.

This isn't siloed. People with lung disease, people who have kidney disease: All of these people can benefit from rehabilitation. It's not necessarily any different. I think a comprehensive rehab strategy that addresses the needs of Ontarians could embrace, in part, lung health needs as well. It's not too siloed.

M^{me} France Gélinas: No. My last part was that you talked about accountabilities and metrics.

Dr. John Granton: Yes.

M^{me} France Gélinas: Do you have something in mind or will you really leave it to the advisory council to decide?

Dr. John Granton: I think I would leave that. I don't want to get too granular, but I think I would leave it to the experts to decide what is measurable and what is meaningful.

M^{me} France Gélinas: As long as we make sure that we do get metrics to measure and report.

Dr. John Granton: Yes.

M^{me} France Gélinas: You support reporting to the public?

Dr. John Granton: Definitely. Public accountability is so important these days.

M^{me} France Gélinas: Thank you.

The Chair (Mr. Peter Tabuns): Thank you for your presentation.

Dr. John Granton: Thank you for the opportunity, once again.

CHILDREN'S HOSPITAL OF EASTERN ONTARIO

The Chair (Mr. Peter Tabuns): Colleagues, we have Tom Kovesi on the line from the Children's Hospital of Eastern Ontario. Mr. Kovesi, I'm Peter Tabuns. I'm the Chair of the committee. All three parties are represented around the table. You have up to 10 minutes to present. If you'd just introduce yourself for Hansard, we can proceed.

Dr. Tom Kovesi: Good afternoon. Thank you so much for having me. My name is Dr. Tom Kovesi. I'm a pediatric respirologist at the Children's Hospital of Eastern Ontario—CHEO. I'm going to take you on a little bit of a different tack because I deal with children's lung disease, and most of the day you've been hearing about adult lung disease. I'm the past chair of the Ontario Thoracic Society and I'm also past chair of the Pediatric Assembly of the Canadian Thoracic Society.

I'd like you to keep in mind that respiratory diseases are the commonest conditions in children. Constant colds are the commonest reason for a child to visit a doctor. Asthma is the commonest chronic disease in children and the commonest reason for hospitalization in the province of Ontario. Rates of sleep apnea are rapidly rising in kids in parallel with the obesity epidemic. Respiratory health among indigenous people in Ontario remains a significant area of concern and is actually my own personal area of research.

Here in Ontario, I think we're doing a lot of things right. Asthma hospitalizations have fallen and asthma death is exceedingly rare. Key asthma medications are covered by ODB, and ADP covers much, if not all, of the cost of many of the respiratory devices and advanced treatments that children with advanced lung disease need, including home oxygen and breathing machines.

But there is still a lot more we can do. Modern asthma treatments are incredibly effective and nearly all hospitalizations for asthma are preventable, but to do that we need to help physicians adhere more consistently to national asthma guidelines. This is going to require more asthma education and possibly incentive programs analogous to what currently exists for diabetic care. We need to provide better access to diagnostic facilities, including spirometry, as you've just heard from Dr. Granton, and sleep studies.

We need to provide better patient education as well and better access for kids to have their asthma inhalers actually work and reach deep into their airways. This requires subsidization of devices called spacer devices, which kids can use to coordinate their breathing so that they when use the puffer the medication actually gets deep into their airways.

Public education continues to be needed to encourage people, including children, to avoid getting respiratory infections partly by remembering to always wash your hands before you touch your face; to optimize vaccination rates, including influenza, whooping cough and polio; and we continue to need education to encourage

youth not to take up smoking and to help smokers either quit or, as a bare minimum, smoke entirely outside so smoke doesn't recirculate within houses.

The lung health advisory council that Bill 41 would establish would help achieve these tasks by reviewing, refining and prioritizing recommendations developed in consultation with the lung health stakeholder community as part of the Ontario lung health action plan in terms of research, prevention, diagnosis and therapy for pediatric as well as adult lung disease. The council would develop a timeline for the implementation of priority recommendations to improve lung health and reduce lung costs. To me, it would function analogously to other system-specific advisory councils providing recommendations for key health care issues that affect Ontarians.

In my mind, one of the key urgent priorities that this type of council could address is the need for more certified respiratory educators. These educators could provide education to community physicians, provide better access to diagnostic tools such as spirometry, and provide more direct and in-depth patient education. Better access to spirometry would also facilitate early diagnosis of chronic obstructive pulmonary disease, or COPD, as you just heard from Dr. Granton.

The Patients First initiative, to me, provides an important opportunity to integrate certified respiratory educators at a sub-LHIN level, which is similar to a system that has been very effective and has been functioning for a number of years in the province of Alberta. The council could also stress the importance of having the Ministry of Health cover the cost of spacer devices to young children with asthma whose parents have a reduced income and also improve access to respiratory rehab, once again, as you just heard.

In summary, a lung health advisory council would fill a key gap in Ontario's long-term planning in improving the health of Ontarians: the need to address the urgent and expanding issues of lung disease not only in adults but also in babies, children and youth.

Thank you for giving me the opportunity to speak to you. Please bring forth your questions.

The Chair (Mr. Peter Tabuns): Thank you very much for your presentation. We go first to the official opposition. Ms. Martow?

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Mrs. Gila Martow: Thank you very much. When you're talking about pediatrics, I'm reminded of when my son, my oldest one, was in kindergarten. Some kids started laughing as he was eating his lunch and he didn't know what the joke was until finally they told him that one of the kids sprayed his puffer on his sandwich, so immediately he stopped eating. I had to leave work as an optometrist in the middle of the day with a waiting room full of patients to go because the school was concerned because he'd ingested medication. That meant that the child was told he wasn't allowed to have his puffer in his little fanny pack that he used to carry with him. I said, "I think the boys understand. They're all friends and I think they understand the severity." I really fought hard for

him to be able to carry that. The school wouldn't allow him, and it made me nervous from then on.

What is your feeling in getting kids to really understand and in educating the classmates of the children? I think that's what it comes down to: that this isn't a toy and there are serious consequences.

Dr. Tom Kovesi: I completely agree with you. I think asthma education in schools is one of the areas that, as a province, we really need to work hard to improve. That involves not just the friends of patients with asthma but of course the kids themselves, the teachers and the educational system.

As the committee is aware, I'm ecstatic that we've now passed Ryan's Law, which helps kids with asthma who are responsible to carry their inhalers wherever they go to deal with asthma emergencies as rapidly as possible.

Mrs. Gila Martow: Thank you very much. I think my concern is that the kids who have asthma seem to understand because they've had an asthma attack so they're pretty scared. My worry is that the other children—I would like to see the schools having the tools. Maybe there's a children's book, colouring book or something that we can work on together. I just wanted to have that on the record. Thank you very much. I'll pass it on.

The Chair (Mr. Peter Tabuns): Okay. Thank you very much. Madame Gélinas.

M^{me} France Gélinas: Thank you so much for your presentation, Dr. Kovesi. My first line of questions has to do with your ideas—and many others have brought it forward—that we need certified respiratory educators to do the education, to make sure people have access to spirometry.

My first question is, how come we're not there yet? Is there something you can see or explain as to why, although everybody agrees, and everybody who has come here today has agreed and pretty well said the same thing you said, we haven't done it yet?

Dr. Tom Kovesi: It's a fantastic question and certainly a complicated one. Part of it, I think, involves silos: that respiratory educators have traditionally in Ontario partly lived in hospitals. Specialists have had access to them, and not necessarily community practitioners. Some of the respiratory educators have been provided at lung association offices. Some communities have these offices. They're relatively small programs, and again there are barriers because the educators aren't necessarily where the physicians for the patients are.

To me, now that we're moving into a new era in terms of having LHINs divided into sub-LHINs, if we could get one certified respiratory educator into every sub-LHIN so they would be directly connected with patients and community professionals, I think we could enormously enhance respiratory care in Ontario.

As a past chair of the Ontario Thoracic Society, wearing an adult hat and a pediatric hat, there's a really interesting study in one of the British journals where they looked at patients who were over the age of 40 who were

smokers who had any respiratory symptom—a cough, bronchitis or pneumonia—and if you did a spirometry on them, you find a significant rate of COPD and you diagnose it early. But to do that, you need to have really immediate access to high-quality spirometry.

M^{me} France Gélinas: Agreed. My next question has to do with—we're setting up this Lung Health Advisory Council. Everybody around the table is all in support. Do you feel that it is wise, safe and advisable to have children's health dealt with by the same advisory council that deals with adults?

Dr. Tom Kovesi: Yes, I do. I think it's important to have experts in both adult and pediatric respiratory medicine contributing to the discussion, but some of the issues are really very similar. Spirometry is an issue in kids and adults. Sleep apnea is increasingly an issue in kids and adults. The need for education, for implementation and guidelines, really crosses those borders.

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, we've run out of time. We will now go to the government: Ms. McGarry.

Mrs. Kathryn McGarry: Thank you very much, Dr. Kovesi, for your time this afternoon. I started my nursing career at SickKids many years ago, when there were smoking units for parents on every single floor and in the cafeteria. In those days, we were managing to count the evening census, as well as the census of asthmatics with young children and how many were staying overnight.

At that time, there was a lot of research done and a gold standard of care for asthma developed, including medications etc. It really cut down significantly on the number of hospital admissions. We're not there yet. We still have kids with asthma. How would a lung health action plan help improve the management and diagnosis of asthma and other respiratory diseases in children?

Dr. Tom Kovesi: I think it really cuts through all of the areas that are important. Working with the Ministry of Health to establish clear targets for decreasing asthma emergency department visits and hospitalizations, and working with the LHINs and the new LHIN structure to achieve that, is one piece. As we've been talking on multiple topics, the issue of education at every level is something with which the advisory council could help. It could also help coordinate research. There are so many areas, including First Nations children's health, where we really need more research and more guidance in how to prevent and manage these issues better.

Mrs. Kathryn McGarry: Thank you. I know that around the council there will be components of research built in, just simply by who would be present at a council table. I also understand that you have done a lot of work in our aboriginal populations in Ontario. Can you give us an overview of lung health of aboriginal populations and what we need to do, going forward, to improve it?

Dr. Tom Kovesi: The issues of indigenous kids are a little bit different from in the GTA, where asthma is an issue and access to asthma management is definitely an issue. But probably for kids, the bigger issues are respiratory infections. We recently finished a study in the

Sioux Lookout zone north of Thunder Bay where we showed that respiratory infections in the first couple of years of life are three to four times higher than in the rest of the province. Much of that relates to the social determinants of health. Access to good-quality housing, indoor air quality, access to potable water so you can wash your hands frequently and reducing levels of cigarette smoking are all really crucial issues that need to be dealt with to help the respiratory health of these kids.

Mrs. Kathryn McGarry: Do you think a lung health action plan could help to incorporate some of those things?

Dr. Tom Kovesi: Absolutely, in every one of those aspects. In fact, I leave tomorrow morning back to Sioux Lookout to start the next phase of our research program.

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, Dr. Kovesi, we've run out of time. Thank you very much for attending us this afternoon.

Dr. Tom Kovesi: Thank you so much.

DR. ANDREA GERSHON

The Chair (Mr. Peter Tabuns): Our next presenter: Andrea Gershon. Ms. Gershon, as you've seen, once you have a seat, if you'd introduce yourself for Hansard. You have up to 10 minutes to present.

Dr. Andrea Gershon: Chair, Vice-Chair, committee members and Clerk, thank you for providing me the time to give a deputation today on the matter of Bill 41, the Lung Health Act. I am a respirologist, a lung doctor at Sunnybrook Health Sciences Centre, a scientist at Sunnybrook Research Institute in clinical evaluative sciences, and an associate professor at the University of Toronto. As a respirologist, I take care of people with respiratory disease. I'm a general respirologist, which means I tend to see things that are more common, things like COPD and asthma. That's what my research is in and that's what I'm mostly going to be talking about today.

COPD stands for chronic obstructive pulmonary disease. Previously, it was known as emphysema or chronic bronchitis. It is mostly caused by smoking, but non-smokers also get COPD—it's not uncommon—and it's more common in older adults.

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Asthma is a common disease that we can manage but we cannot cure. It is a serious disease. Although some people can have very mild forms of it, people still die of asthma. I'm sure you all have a parent, a family member, a friend or a co-worker who has asthma or COPD.

I'm going to start by giving you some facts, some evidence. I'm a scientist; I work off evidence. This is from my own research that my colleagues on my research team and I have done. It was done right here in Ontario on our Ontario population. These describe the burden of COPD and asthma in Ontario. I'm only able to touch on each of these briefly, but I'm happy to answer questions or provide more information or the actual publications from the journals that these are published in.

I'll first talk about COPD. Did you know that about one in four individuals are likely to be diagnosed and receive medical attention for COPD during their lifetime? This is known as lifetime risk, and it looks at the likelihood of somebody having a disease over their lifetime. The lifetime risk of COPD is about double that of heart failure and three times that of heart attacks, breast cancer and prostate cancer—each, not put together. Did you know that at any one time, about one in 10 adults 35 years and older has physician-diagnosed COPD in Ontario? This is a likely an underestimate because we know that under-diagnosis of COPD is a big problem.

Did you know that the prevalence of COPD has increased by more than 60% since 1996 in Ontario? Our models project that it will increase by another 14% by 2024, despite improvements in care and decreases in smoking rates.

COPD is the third leading cause of death. A lot of people don't know that. All-cause mortality in COPD—this is a good thing—is going down, but it's decreasing in men, not in women.

COPD is a leading cause of hospitalizations and emergency department visits. I'll try to say this carefully: Individuals with physician-diagnosed COPD were responsible for about a quarter or more of all hospitalizations, emergency department visits and ambulatory care visits in the province. They also take up about one third of long-term-care resident places and use about a third of home care resources. You have to understand that these visits are not for COPD, but COPD has a lot of comorbidities that the COPD contributes to, so it's because of their COPD that these people are ending up in hospital.

The volume of COPD hospitalizations and emergency department visits is increasing. Our models forecast that they will continue to increase so that Ontario should expect 10,000 more COPD hospitalizations and 10,000 more COPD ED visits in 2024 compared to 2014. Our data forecasts that the direct costs of COPD—just the costs of the hospitalizations and the physician visits—will be \$10 billion in 2024, a \$2.3-billion increase from 2014. This does not take into account patient expenses or lost productivity—all of those indirect factors.

I alluded to comorbidity in people with COPD. Did you know that over half of lung cancer, a third of all pneumonias and cardiovascular disease, and a fifth of all psychiatric health services in Ontario were used by people with COPD? This is because COPD predisposes to those conditions.

Social and economic disadvantage appears to have a significant, consistent, negative impact on COPD morbidity. We have done studies and we have shown that the gaps in outcomes in people with COPD between people of the highest and the lowest socioeconomic status are getting bigger. Over time, they're getting worse.

Finally, Métis people living in Ontario had a higher prevalence of physician-diagnosed asthma and COPD than the rest of the Ontario population. I'm happy to share the exact numbers with you.

Let me tell you some facts about asthma. In 2015, there were over two million people living with asthma in Ontario. One in four children in Ontario are affected by asthma. The prevalence of asthma increased by 55% between 1996 and 2005. This is likely accounted for by a 30% increase in the incidence of asthma in children—children who are going to have this disease for the rest of their lives. That's another point I'm going to come to.

One of every three individuals in Ontario will be diagnosed with asthma in their lifetime—that's the lifetime risk that I referred to before. It's higher in women and people of lower socioeconomic status.

Once someone has asthma, they have it for life. People might go into remission—they might be in remission for years and years—but we have shown that most people will come back to the health care system.

People can be diagnosed with asthma at any age. It's not a disease of children.

I talked about comorbidity with COPD. Comorbidity among individuals with asthma is substantial. People with asthma are twice as likely to have many other types of diseases, such as respiratory diseases, including COPD, psychiatric disorders, metabolic and immunity disorders, and hematologic disorders.

Finally—I'm sorry I don't have this figure for Ontario, but the annual economic burden of asthma across Canada is estimated to be \$52 billion. This does not include the costs of school absenteeism, decreases in school performance, lost productivity and those other, indirect costs.

This is some of our research. COPD and asthma exert a huge burden on Ontario. Despite the burden of these diseases, as other people have alluded to, they have received relatively little attention. Resources and funding for respiratory disease—I know from the research side—have historically been less than for other diseases of much lesser burden.

Part of the reason for this, I believe, is a tendency to blame the patient. People with COPD and lung cancer are often smokers. These are two of the most common and concerning respiratory diseases, and people blame them. But people with heart disease smoke, and people with cancer smoke and some people with lung cancer don't smoke. I think this is one of the things that has stood in the way.

If you look at the quality of care for asthma and COPD in the community, there are lots of gaps, things that can be done better. For example, a lot of people have referred to pulmonary function testing—spirometry—but I'm going to put some numbers on it. Pulmonary function testing is used to diagnose COPD and asthma, but in our research we found that only one third of people with COPD get pulmonary function testing and less than half the people with asthma get pulmonary function testing to diagnose their disease.

Would you start a blood pressure medication without taking blood pressure? Would you treat heart disease before doing a heart tracing and an ECG? Yet that's what is happening all the time. No wonder underdiagnosis is a problem.

These are just statistics. They're just numbers. As a respirologist, I have the privilege of taking care of many people with COPD and asthma—the people these numbers represent. They're my patients. To tell you about all my experience would take hours—days—and I don't have that much time left. I could tell you stories of hardship, strength, resilience, failure, pain, suffering and death.

I could tell you about Mr. S, who had a heart attack and stroke as a result of a COPD exacerbation and spent months in the ICU and is now back living independently today.

I could tell you about Ms. D, who has bad COPD, with many exacerbations. Each time she has to go on prednisone, it causes her to get anxious and depressed, and she just can't handle it.

I can tell you about Mrs. S, who's a young woman—37 years old—who has been diagnosed with COPD. That's very young for this disease—a progressive disease.

I believe that there are many things—many simple things—that we could do to help people, these people that I know, with respiratory disease in Ontario, things that would improve their care, their health outcomes and their lives.

The Chair (Mr. Peter Tabuns): I'm sorry to say, you've run out of time.

Dr. Andrea Gershon: I'm done. Thank you.

The Chair (Mr. Peter Tabuns): With that, I go to the third party: Ms. Gélinas.

M^{me} France Gélinas: Thank you so much for coming. I think there is support from all parties to move ahead with the lung health advisory council. My question to you is, what are your expectations from this council?

Dr. Andrea Gershon: As I said, I think there are some very simple things that we could do, so my expectations are low. I don't think we have to do that much to get some attention for these patients. They need some very simple things, like a diagnostic test to know whether they have a disease, and maybe put some people at ease because they don't have a disease—to be able to help them out. I think these very simple things can have long-term outcomes.

There's a lot of talk about quality indicators and measuring success, and that's something that I do in my research. I really think that would have an impact.

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M^{me} France Gélinas: The second question is, if we know that this test exists—it's cheap, easy to learn and easy to administer—why aren't we doing this?

Dr. Andrea Gershon: It's an excellent, excellent question. I think this is where research, and going about it systematically to find out exactly what's going on, is very, very important. That's where a bill or a committee, or an approach like this, is important.

We've done studies. We've found that there are certain characteristics that are associated with not getting pulmonary function tests—certain comorbidities, certain types of physicians that aren't ordering them—and we

can take the time. We can target these areas, and we can address these problems and get this done.

M^{me} France Gélinas: You seem very hopeful.

Dr. Andrea Gershon: Definitely. Like I said, I think there are a lot of very simple things that we can do that can make a huge difference, because they haven't been done before.

M^{me} France Gélinas: When it comes to reporting back—I've asked this of other presenters—is this something that you would like to see in the bill, to make sure that we do put in a component that is developing indicators or metrics, so that we report back and so that we can track progress?

Dr. Andrea Gershon: Absolutely. This is actually research that I do. We are developing—and it has been a struggle, because it's hard to get funding agencies to fund this type of thing. We are developing evidence-based COPD quality indicators, using a Delphi panel, who will have the quality indicators ready.

I've already worked a little bit with HQO and the Ministry of Health to start implementing some of these indicators. I'm working with ICES to find out how we measure these in the health admin data, looking at ways where we can measure things outside of the health admin data. I think it's all possible. It's all there. It's going to need a little work, but we can do it.

We've talked a lot about outcome indicators, but I think just as important is measuring process-of-care indicators.

You ask what we can do in two years. We may not be able to see the decrease in hospitalizations, but we can see if more pulmonary function tests are being ordered. We can see if the right medications are being prescribed. We can see—

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say, you're out of time.

We'll go to the government. Ms. McGarry.

Mrs. Kathryn McGarry: Thank you, Dr. Gershon, for coming in today. It's incredible to hear you speak.

I know that years ago, asthma was tackled by a province-wide strategy, whereby new medications were tried and best practices were tested. I worked at SickKids at the time, so I saw an incredible difference over the years on how we tackled that.

So when you're talking about COPD, one thing that comes to mind is the fact that you're talking about the blaming-the-victim part of it, which doesn't necessarily mean that people are supportive of doing this. I know that to be true, so it's interesting to hear you say that.

Do you think, and why do you think, that it's very important to initiate a lung health action plan as a provincial strategy, as a framework to roll out things like COPD best practices?

Dr. Andrea Gershon: Oh, my goodness. I think it's so big. There are so many moving parts. There are so many exciting things going on across the province in so many different areas. There are so many things going on with other chronic diseases. I think there are just so many opportunities, and it just needs somebody to bring them all together—and add a little more; I still think there's

more work to be done. I just think it could be very powerful and very impactful and make a big difference in people's lives.

I think that having that kind of overview, the bird's-eye view, of what's going on and understanding is very, very important, as opposed to just siloed—people working side by side on two different things that might be similar, and not knowing what's going on.

Mrs. Kathryn McGarry: With the comorbidities, I know that we've got other strategies across Ontario to combat some of the other chronic diseases. Do you think that this strategy could be rolled into an overall strategy to prevent chronic disease and then also have a focus on lung health?

Dr. Andrea Gershon: Absolutely. I think that not to work with other—at ICES, I work with other researchers: cardiovascular disease, cancer. I think it's very, very important.

However, I do think that people with lung disease have very unique needs, very unique medications, very unique challenges, and to not recognize those is doing them and society a great disservice, because they're not getting the help they need, they're ending up back in the emergency department and they're ending up back in hospital. It's not an efficient use of resources.

Mrs. Kathryn McGarry: Research seems to be a focus of yours, which helps us to determine on how to roll out best practices. I know that research would be a component of anybody on an advisory council because that's part of the council's work. How important is research in establishing a lung health action plan?

Dr. Andrea Gershon: I think research is huge. I think research is huge in understanding what's going on on the ground, to know what we need to do to develop those strategies—not just to develop strategies but strategies to develop—

The Chair (Mr. Peter Tabuns): I'm sorry to say you're out of time with this questioner and it's time for us to go to the official opposition: Mr. Coe.

Mr. Lorne Coe: Thank you, Chair, and, through you, thank you so much for your presentation. It was very interesting to have you take us through your presentation.

Dr. Andrea Gershon: Thank you.

Mr. Lorne Coe: At the end of the day, you believe that the passage of the bill before us is going to lead to enhanced strategies for managing asthma. Is that correct?

Dr. Andrea Gershon: Asthma and COPD and other respiratory diseases—absolutely. I think it has that potential, anyway.

Mr. Lorne Coe: Okay. On page 2 of the legislation that we're considering today, it talks about undertakings that the minister can commit to. It highlights several activities. It talks about partnerships across health care sectors, facilitating the creation of training and professional development opportunities, and it goes on to talk about improving access to early diagnosis. It ends with improving access to community and home support.

You're fine with all of what's listed there? Are there any aspects that you would think need to be added to that list?

Dr. Andrea Gershon: Oh, goodness, that's a big question. I'm sorry, I don't feel like I'm quite equipped to say. Absolutely, I do not think that's a complete list. I think there are other things that we can do. I think maybe we have to focus on some things. We can't do everything at once. I like the idea of a committee of experts getting together, and patients, and figuring out what course we should take. I really hope that research is part of that, as well.

Mr. Lorne Coe: Very well; thank you for your answer. To my colleague, please, Chair. Thank you.

The Chair (Mr. Peter Tabuns): Thank you. Ms. Martow.

Mrs. Gila Martow: I just want to say very quickly, and I think Ms. McGarry would probably agree, that patients, when they tend to have one health problem under one disciplinary group, also require the attention of other specialists. Do you have any comments in terms of your experience dealing with patients who have multiple health problems? We mentioned diabetes, we mentioned other aspects, and how to get that coordination, because we've become so specialized in health care that it's the sub and the sub and the subspecialty groups, and that makes it even more difficult.

Dr. Andrea Gershon: I couldn't agree with you more and I think that we need a holistic approach that puts the patient first and takes into account their needs. But it's interesting because you get diabetes and heart disease and a stroke and they're all put together, and then there's COPD. So you do get people with an expertise so they go to a clinic where they're getting attention for all these things, and then there's COPD. Yet we know that COPD interacts with each one of these comorbidities, exacerbates each one of these comorbidities, and is exacerbated by each of these comorbidities, so we have to start thinking of the whole patient—by the way, people with asthma as well.

This is where I think that people with respiratory disease have very unique needs and we have to think about them in the context of their overall health. I appreciate your comments.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say we've run out of time.

Dr. Andrea Gershon: Thank you.

The Chair (Mr. Peter Tabuns): Thank you for your presentation today.

McMASTER UNIVERSITY

The Chair (Mr. Peter Tabuns): Our next presenters, then, are McMaster University. Dawn Bowdish? As you've seen, if you could introduce yourself for Hansard. You have up to 10 minutes to present and then we go to questions from the caucuses.

Dr. Dawn Bowdish: Wonderful. Thank you, Chair, Vice-Chair, committee members and Clerk for providing me the time to give this deputation on the matter of Bill 41, the Lung Health Act. My name is Dr. Dawn Bowdish. I'm the Canada Research Chair in aging and

immunity, and I'm an associate professor at McMaster University.

As your Canada Research Chair in aging and immunity, I want to point out why Bill 41 is of particular importance to an age group who I care deeply about, older adults. As I'm sure that you're aware, the percentage of those who are over 65 in our province is at the highest it has ever been, and that number will continue to rise.

Personally, I don't think of this as a negative. Older adults contribute more volunteer hours, they contribute more unpaid caregiving than any other demographic, and I personally value their contributions to our community and our province.

However, I do often hear them blamed for increasing health care costs. I'd like to point out that aging in good health costs very little. Not needing to go to a doctor when you're 70 costs just as much as not needing to go to a doctor when you're 20. However, aging with chronic diseases—and lung diseases are a major component of those chronic diseases—those are what complicate care and drive up health care costs.

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I'd like to give you some examples of how having a Lung Health Act and a dedicated lung health action plan would improve the lives of older adults and those of us who care for them.

As you've already heard, the leading cause of hospitalization in older adults is chronic obstructive pulmonary disease. We have ample data demonstrating that community-based care by respiratory therapists or respiratory health personnel, tailored apps that patients can use on their phones, and self-management strategies that can be taught to both the patients and also their caregivers reduce the frequency of emergency room visits, and yet so many of our older adults receive their primary care in the emergency room. This is not a sustainable strategy and it's not something any of us want for the older adults in our lives. Ontario needs Bill 41 in order to implement quality, evidence-based, community-based care that will decrease these hospital visits.

Another example I'd like to give you is that of lung cancer. Lung cancer kills more Ontarians every year than prostate cancer, breast cancer and colon cancer combined. Yet the percentage of research dollars specifically dedicated to lung cancer, as opposed to all the other cancers, is optimistically estimated at less than 5%. Lung health advocates consistently rank reducing the stigma of lung disease as an important component in lung health. The perception that lung cancer or other chronic lung conditions, like pulmonary fibrosis or COPD, are a smoker's disease or somehow the patient's fault means that there are fewer donations that go to non-profit organizations that do patient advocacy or patient care. There are fewer advocacy groups that lobby our major funding agencies. As a consequence, there are less research dollars specifically dedicated to lung cancer and other lung diseases.

This means that not only is there less research, but then there are fewer training opportunities for our young

people, our young scientists and clinicians. At the end of the day, this ends up meaning less capacity and contributes to these unacceptable mortality rates. Let me assure you, there is no scientific reason why lung cancer should be so fatal. It's merely a training, research and opportunity based mortality. Eliminating stigma through community-led education initiatives will affect more than just the patient; it will change the research and clinical care landscape. Ontario needs Bill 41 in order to increase education, awareness and patient advocacy.

Another example and one that is certainly dear to me as I study aging is that the foundations of lung health are truly laid down in youth. Asthmatics who don't actively manage their asthma when they're young become very challenging to treat as they grow older because their medications are now less effective. My respirologist colleagues find that caring for older asthmatics who have comorbidities like we've heard about—cardiovascular disease, depression, obesity—is particularly challenging, because we don't understand how those diseases work together to complicate asthma and we don't understand how the medications work together to complicate or reduce the efficacy.

So one important investment in lung health in old age is never smoking or smoking cessation. Smoking cessation at any age will improve complications down the road. However, the earlier you begin smoking cessation, the greater the impact is going to be. A recent study has demonstrated that smoking cessation programs that begin during unrelated hospital stays are particularly effective. Others have found that strategies that are tailored to specific groups, like youth or aboriginal populations, and are delivered by members of those same groups are also particularly effective.

Many, many studies have shown that community-based respiratory health professionals are more effective and less expensive avenues for helping patients manage their asthma. If we had a lung health advisory council that could draw on the expertise of the greater than 40 members of the Ontario Lung Health Alliance, we would get good advice on the best practices to prevent costs now and in the future. Ontario needs Bill 41 to draw on the expertise of stakeholders, from patients to professionals, to implement the most effective strategies in patient care.

My own research is on respiratory infections such as pneumonia in older adults. You're probably not aware that getting pneumonia in mid to late life can actually accelerate or exacerbate other seemingly unrelated conditions, especially dementia and cardiovascular disease. In fact, physicians often think of pneumonia as the slippery slope that's the beginning of the loss of independence and reduced quality of life. Diagnosing respiratory infections like pneumonia is particularly challenging with people who have pre-existing lung disease or other comorbidities. This contributes to antibiotic misuse and antibiotic resistance.

Preventing lung infections by better vaccination programs and better diagnosis will provide more years of

healthy, independent living. This is completely consistent with Ontario's Action Plan for Seniors.

Although I can, if pressed or if writing a grant, provide you with ample statistics about the economic benefits of preventing lung infections in older adults, my guess is that this is something that we—because we are not burdened with anyone who is too young at this table—are collectively and intuitively aware of. We all know the challenges of dealing with the older adults in our lives. Many baby boomers are unpaid caregivers. They are caring both for their parents, who are in their twilight years, but also their grandchildren. This unpaid care is a major contribution to Ontario families and our province's economy. Keeping the over-50 crowd healthy—which is my mandate—with a directed lung health action plan will mean that many Ontario families, including my own, can breathe a little easier.

I'd like to bring up one more point for you to consider. Ontario is a major research hub for lung research, despite the fact that this is a chronically underfunded disease. Our university hospitals in Toronto, Ottawa, London and, of course, Hamilton, where I'm from, have actually led the world in the treatment of asthma, diagnosis of rare diseases and creating evidence-based practices for improving clinical care. In fact, there are a number of very exciting new initiatives at our university hospitals that have the potential to make Ontario the premier centre for clinical trials in lung health.

As you know, health care is a major economic growth industry. The creation of a lung health action plan and coordinated, directed research that brings together the incredible intellectual resources we already have in this province would put us on the map as the best place to do research and help us retain the highly skilled young scientists, clinicians and health care workers who we invest so much in.

Ontario needs Bill 41 to make Ontario the world leader in respiratory health and respiratory care. As your Canada Research Chair in Aging and Immunity, as a researcher, a scientist and someone who has older adults in my life whom I care deeply for, I am in full support of Bill 41. I look forward to having a plan on the table that addresses some of the cracks that older adults fall through, and I look forward to continuing to work with the Ontario Lung Health Alliance and dedicated politicians and stakeholders to improve the lives of Ontarians today and tomorrow.

Thank you very much for your time and your consideration.

The Chair (Mr. Peter Tabuns): Thank you very much. We go first to the government. Mr. Dhillon.

Mr. Vic Dhillon: Thank you, Ms. Bowdish, for your presentation to the committee this afternoon. We know people are living much longer and therefore they'll need more health care, and that the people who are using our health care system the most have chronic conditions. Can you explain how research in immunology can help the top users of our health care system and how we can keep people out of the hospitals?

Dr. Dawn Bowdish: Absolutely. As someone who studies infectious disease, I have a strong mandate to keep people out of the hospitals. That's one of the best things we can do to reduce infectious disease in older adults.

Aging in good health costs as little as being young and in good health, but it is, in fact, chronic diseases. What tends to happen—and we've heard from Dr. Gershon—is that these chronic diseases tend to travel in pairs. You don't just get asthma, you get asthma and depression; you don't just get COPD, you get COPD and heart disease. It's those users who have an unfortunate number of these comorbidities that tend to be the most challenging to deal with, because, again, we don't understand medication interactions and we don't understand how they compound each other.

There are a few things we need to do: prevention, and there are simple preventive strategies we can use; management, so people who are taught to manage their asthma or their COPD stay out of hospital for longer and they have fewer of these complications; and there is a certain degree of research. We seem to see that there are some individuals who, despite best efforts, seem to be on a poor aging trajectory. Some of the research that is coming out of my lab and others has shown that we may be able to intervene once we identify those people. That's a long-term research goal, to keep older adults healthier for longer. What we all want for all of the older adults in our lives is a long, healthy life and very little time living unwell.

Mr. Vic Dhillon: Thank you for your answer. Can you explain briefly how pathogenic microorganisms affect us so much, especially when we're talking about our lungs?

Dr. Dawn Bowdish: One of the things that people are often most surprised about is that one of the major things you can do to keep yourself healthy as an older adult is to stay away from small children. And yet, one of the best things you can do for your cognition and keeping active is to be involved in your grandchildren's lives.

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One of the things that people don't understand is that having good vaccination programs for children for influenza and pneumonia is actually more efficacious sometimes than vaccinating older adults. Having targeted vaccination strategies for children and health care workers and those who care for older adults is oftentimes more efficacious than vaccinating the older adults themselves.

These are the sorts of coordinated, thoughtful, intelligent, evidence-based strategies that we need to rely on our respiratory health alliances to develop for us.

Mr. Vic Dhillon: Thank you very much for your answers.

The Chair (Mr. Peter Tabuns): We go to the official opposition. Ms. Martow?

Mrs. Gila Martow: Thank you very much for coming in. I want to address a couple of the things you said. One is, my late mother, who never could light a match, never

did light a match, never lived or worked with anybody who smoked, died of lung cancer. I think that people have a hard time understanding that. A lot of times, in fact, people don't believe me when I tell them that. I think we definitely need a lot more public awareness in that regard. I'm fairly certain you'll agree with me on that.

Dr. Dawn Bowdish: Absolutely.

Mrs. Gila Martow: In terms of vaccinations—and I'm so glad that the member opposite got you to bring that up. That is a real challenge for us, as members of provincial Parliament, when people come to us to notarize those forms saying that they don't want to vaccinate their children. There are some of my colleagues who refuse to notarize those forms, even though it doesn't mean you're agreeing with them, but they just don't want to be a party to that. Then there are colleagues who just sign it and don't discuss it.

My compromise has been to spend 10 minutes—I'll sign it for you; you don't have to pay a lawyer, but you need to give me 10 minutes. Part of those 10 minutes is that there are people who are elderly and immunocompromised individuals who are ill or elderly as well. There are people who can't be vaccinated and children, for all kinds of challenging reasons, who can't be vaccinated. You're not vaccinating your child just to protect your child. It is a community that we live in together and sometimes we do things to protect other people. I think it's a big, big challenge for health care providers to educate people. We're hearing in BC this week that there's been an outbreak of mumps.

What would you advise, in terms of the task force having people on there who have expertise in these kinds of challenges? What would you see?

Dr. Dawn Bowdish: There's actually very interesting literature on how to approach people who are anti-vaccine. One of the first things you ask is, "What are your particular concerns?" and not making assumptions about what their concerns are. I agree with you completely that sometimes the most evocative argument is that you're not doing it for yourself; you're not even doing it for your children. You're doing it for someone who's on cancer therapy and essentially has no immune system.

My own children were forbidden to see their uncle when he was on cancer immunotherapy because it's known that they carry infectious disease that he would have been particularly prone to.

You're doing it to protect the older adults in your life. You're doing it to protect those who don't. So I think having that conversation is one that tends to be particularly evocative.

And then there's having really skilled health care providers who can answer whatever the particular concerns are that are stopping it. One of the examples I always give is that I've been in many a research study and I have had influenza many years where I wasn't obviously sick. So even though I wasn't sick, I was still transmitting, and that's an important argument people need to know.

The Chair (Mr. Peter Tabuns): I'm sorry to say, with that, you're out of time. We go to Madame Gélinas.

M^{me} France Gélinas: I loved your presentation. Thank you so much for coming. I think putting a lens on older adults was something very worthwhile this afternoon. You did say something that piqued my interest to no end here, that there is no reason for lung cancer to be so deadly. Could you repeat that and explain it to me?

Dr. Dawn Bowdish: Yes. One of the reasons we have a hard time diagnosing lung cancer is that we don't have pain receptors in our lungs, so you can have a huge tumour and you won't feel it. That is a major issue. Diagnosis is absolutely an issue.

Having said that, though, the lung is actually a fairly easy place to access. If we inject a therapeutic, it goes to the lung first. We should be able to do surgery in the lungs. Many of the novel immunotherapeutics that are in trials at my own university, at McMaster, and other places are actually predicted to be particularly efficacious on lung cancer. However, they can't find the research dollars to actually get a cohort of lung cancer patients.

Scientifically, lung cancer in some ways, one would predict, would be less challenging than breast cancer, colon cancer or prostate cancer, and yet without the research dollars just to try some of these therapies or target them—those trials aren't happening. I would predict that if we had a concerted research focus to really tackle this, I bet we would make pretty spectacular progress pretty quickly.

M^{me} France Gélinas: I get it. My second one is that you went on to say that people with COPD often receive their primary care in emergency rooms because education in the community and the whole bunch does not happen. I take it that you brought this forward because you are hopeful that once we have the lung health advisory council, things will change for the better. I agree with you that it has to change for the better. How did we get there? Why is it that we don't do this already?

Dr. Dawn Bowdish: In my city, Hamilton, we have major economic disparities. It has been shown again and again that people of higher socioeconomic status will access health care in a way that people of lower socioeconomic status won't. Unfortunately, especially for people who have complicated care, maybe don't have a good primary physician—maybe they have got a diagnosis, maybe they haven't—they go to the emergency room again and again, and without good follow-through and without good community care, they come back to the emergency room.

Getting educators into the community has been shown again and again to be an efficacious way of especially dealing with people with challenges to accessing health care. Unfortunately, socioeconomic status is one of those challenges. I am extremely hopeful that increasing community-based care, respiratory therapists will help, especially those who are the most vulnerable.

M^{me} France Gélinas: A previous deputant was talking about having one in every sub-LHIN. Would that work for the area that you come from?

The Chair (Mr. Peter Tabuns): I'm sorry to say that you're out of time. Thank you.

Dr. Dawn Bowdish: Thank you very much.

The Chair (Mr. Peter Tabuns): Thank you for your presentation today.

CANADIAN ASSOCIATION OF RADON SCIENTISTS AND TECHNOLOGISTS

The Chair (Mr. Peter Tabuns): We go on then to the Canadian Association of Radon Scientists and Technologists, Mr. Bob Wood.

Mr. Wood, as you've seen, I'm sure, please introduce yourself for Hansard when you have a seat, and then you have up to 10 minutes to present.

Mr. Bob Wood: Hi. For those of you who don't know me already, I'm Bob Wood. I'm past president of the Canadian Association of Radon Scientists and Technologists.

To the Chair, Vice-Chair, committee members and Clerk, I thank you for providing me the time to give a deputation today on the matter of Bill 41, the Lung Health Act.

I'd also like to recognize a member of the committee, my own MPP, Granville Anderson.

Simply, I urge you to bring forward Bill 41 for third reading and royal assent. I'm obviously in support of this. I'd really like to talk about three things—why Bill 41 is essential, my own story, and a few statistics—before I get to a conclusion.

Of the four chronic diseases responsible for 79% of deaths—cancers, cardiovascular diseases, lung disease and diabetes—lung disease is the only one without a dedicated plan in the province.

I sit before you as a plumber who worked in construction all over the city, all over this province. I can't imagine building a building without a plan, without specific details of how things were going to go together, and then having inspections along the way. How are we running lung health care without a plan? It's just mindboggling to me. Maybe I'm looking at this from too simple a perspective, but it's mindboggling to me that you can do health care without a plan that looks at all of these parts.

I have just been so impressed with other deputants and the detail they've been able to bring forward. I hope I can bring it back to maybe a more general level.

Bill 41 proposes establishing a lung health advisory council to make recommendations to the Minister of Health and Long-Term Care on lung health issues and requiring the minister to develop and implement a lung health action plan respecting research, prevention, diagnosis and treatment of lung disease.

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As a business owner, this is just simply good planning and strategic implementation. Nine out of 10 Ontario voters in the 2014 provincial election said that lung health should be a priority. You guys are all politicians sitting around the table. I think you need to pay attention,

and your parties need to pay attention. It sounds like they have been.

One in five Ontarians—2.4 million people—are living with serious lung disease. This number is projected to rise to 3.6 million over the next 30 years. This statistic jumps out at me as simply being a huge part of the population that is living with the stigma. I'm going to talk more about stigma in a few minutes.

My story: I stand before you—or I sit before you; I said “stand,” but I'm sitting before you—as a well-controlled asthmatic and as someone who lost their mom to cancer. Hers was breast cancer that ended up metastasizing to her lung. Thanks to the medical community, we got six great years with my mom. She got to see me married, and she got to see her grandsons—Andrew and my nephew Alex. Unfortunately, she never got to meet Kyle, my youngest son, who passed away this year.

We spent that last year with Mom, helplessly watching a vibrant, beautiful woman deteriorate into someone who was bedridden and could hardly breathe before we lost her.

You may not realize this, sitting in this room, but lung issues come with a stigma from the general populace. When a kid is having an asthma attack, the parents didn't do something right: There's a cat in the house, or they live with a maple tree out front. For some weird reason, with a lung issue, people blame people who are closest to that person or that person themselves. That person must have been a smoker. If you have a heart attack, does anybody blame you? But if you have COPD, it's your fault. I don't know how to change that stigma. There's a whole bunch of brighter minds than me that have come up and sat in front of you and talked today.

The stigma of self-blame does not go well with the fighter spirit that is required—in my opinion, it's the number one cause of survival from a significant major disease, that fighter spirit. I saw my mom fight that cancer, and boy, she won it for a number of years.

The way I lost my mom was why I ended up in the radon industry. Some of you know me as Mr. Radon. I swore that if there was anything I could do to stop another family going through the loss of a loved one, I would do it. Then radon came into my life.

Radon is only one part of this lung issue, but it's a really ignored part from my perspective. I may be a one-trick pony—that's okay. That's the pony I know. Radon is the number one environmental cause of cancer death. I'm going to say that again: Radon is the number one environmental cause of cancer death. Public Health Ontario has estimated that 3.6% of lung cancer deaths—sorry, 13.6%; let me get my numbers right—in Ontario are attributable to radon. That represents 847 people every year. They die of radon-caused lung cancer.

The part that really gets me about this is that we know how to test for radon and we know how to economically fix it. Radon is never an issue within a house or within a building that we don't know how to fix. Yet it doesn't seem to get—800 people a year? Come on!

I bet you if you went into health and long-term care and asked them how they tested for radon, they wouldn't

know. I know that many of you people do because many of you people have received a kit.

The Ontario Lung Association, who has been my greatest partner in the last two years, has recognized radon awareness and testing as the number one priority in the health promotion pillar of Ontario's Health Action Plan. They have been an awesome partner. We have gotten some incredible things done.

Radon gas exposure touches many ministries other than just the health industry. Ontario Lung Association and CARST working together have made inroads into getting things changed under the Ministry of Municipal Affairs and Housing.

I am so sorry today to hear that we have lost Ted McMeekin as a partner, but I'm sure that it has moved far enough ahead that we will continue to gain ground in those areas.

We've gained ground at looking at ground contact apartments—there's a Residential Tenancies Act position out there for public review—and in the Ontario Building Code under the Ministry of Municipal Affairs. The Ministry of Labour is under review right now for looking at radon in the workplace. It has been a great year, but there is so much more to do.

Let me compare quickly another couple of statistics: If we look at the annual report for 2014 for road safety, there were 481 people killed. Have you seen an awareness campaign from the MTO? I have.

Let me go quickly to some other statistics—

The Chair (Mr. Peter Tabuns): Mr. Wood, I'm sorry to say that we have to move on.

Mr. Bob Wood: Questions. I apologize.

The Chair (Mr. Peter Tabuns): No, nothing to apologize for.

We'll go first to the official opposition: Ms. Martow.

Mrs. Gila Martow: If you could just wrap up, because they got you quite in the middle there.

Mr. Bob Wood: Okay. There is a number of other things that are really small numbers, like carbon monoxide—11 deaths per year.

Mrs. Gila Martow: Basically, what you're saying—and I understand—is that small numbers of deaths seem to get the press. What I would say to you is that the problem, as many of us here see it all the time, is that you have your sexy diseases and your sexy causes. It's just like fashion and it's just like what toy is in. It doesn't always make sense.

But sometimes we all have to collectively put our heads together, and I think that's what this bill is trying to address: to get the teamwork together, but to also get the public awareness and to put people who are aware together. Hopefully, we're going to see some people with some good skills in marketing and PR work.

We saw that with Lou Gehrig's disease, which I would say probably was the least sexy disease on people's radar, it went to number one, from one of the bottom to one of the top. Why? Because somebody came up with the Ice Bucket Challenge. It was funny and it was entertaining. It wasn't just about supporting a great cause; it was about the entertainment aspect of it.

It's hard to see anything entertaining about any disease, but unfortunately, that's the world we live in. People are very aware of heartbreak and almost everybody has a story of heartbreak to tell. I apologize. I'm on committee with people, and they have to hear my same stories every time. But we all have those stories and we all have that heartbreak, but at the end of the day, we know that we're here for a good time, not a long time—and to try to focus on that.

I really think that's what you came in to say, and maybe you have a few more words you want to add on that regard.

Mr. Bob Wood: I think that this bill will solve part of that awareness problem.

Mrs. Gila Martow: Great. I really appreciate your passion and I'm so glad that you came in, because we've had a lot of very serious researchers with heavy stuff and you explained why they're so passionate about their work. Thank you so much.

Mr. Bob Wood: Thank you.

The Chair (Mr. Peter Tabuns): Madame Gélinas.

M^{me} France Gélinas: Nice to see you, Mr. Wood.

Mr. Bob Wood: A pleasure.

M^{me} France Gélinas: I will start by telling you that in my basement, on a little shelf about six or seven feet from the floor, there's this little wee thing with a tab on it with a date. I decided to keep it for a year, so it won't be until December until I mail it. I have my little envelope, and it's ready to go. Just so you know: You convinced me.

1700

That being said, I represent the riding of Nickel Belt, and the member from Sudbury will tell you the same thing: There are lots of older houses in Sudbury and Nickel Belt that are built on rock. We are the foundation of the Canadian Shield, and lots of people have rock in their basement. I'm one of them. We know full well that the risk of radon increases because it's a natural gas and all of this that goes with it, plus we live on top of big, big mines that shake up our city on a regular basis, which increases the risk.

Then we start to look at why Sudbury's lung cancer rate is so high. Nobody ever talked about, sure, we have a 28% smoking rate—we know that half of those people will die because they smoke—but we also have a perfect storm for a lot of people to be exposed to radon.

Our health unit has done a bit of very good work within the measly resources we allocate to health units to do great work. We've had part of our community—the community of Copper Cliff, if anybody knows Sudbury—where there have been quite a few homes where people went door to door and gave them radon kits so we could see if there was radon in their basements. Even the ones that came back with radon were so easy to fix. It was like, "How come we did not do this way before?"

The question to you—and if you're not comfortable, you don't have to answer it—is, how come we're not doing this now? When we know there is such a high risk of such a deadly disease—the last presenter gave me

hope, but at this point it is still a very deadly disease—how come we're not doing more?

Mr. Bob Wood: I'm not sure why there's not more being done, other than the focus. Again, we seem to get this focus thing that goes this way and goes that way. Radon is unfortunate, in that you can't see it, you can't smell it and you can't taste it. I don't know about your life, but my life is probably a little simpler, and I forget to pick up the milk and bread on the way home, because it's not sitting there right on my forehead.

M^{me} France Gélinas: And our house, garbage is Tuesday morning. We have a tough time with that.

Mr. Bob Wood: I can only say that I believe this bill will drive that ability for us to get more awareness, more people testing and more people out of that loop because they've tested. Hopefully, most of them test low, like I hope you test low. But if they test high, then they can do something about it.

The Chair (Mr. Peter Tabuns): With that, we're out of time. We go to the government. Mr. Thibeault.

Mr. Glenn Thibeault: Thank you for being here today, Mr. Wood. The Canadian Association of Radon Scientists and Technologists sounds very Star Trekky and very cool, but when you actually start hearing about radon—I know, as my colleague from Nickel Belt mentioned, that more and more people have started talking about it. You've been doing a good job of making sure that people are aware of radon and the effects of it.

I also want to thank you for sharing your story. It's important for us, as politicians, to be able to take that and understand the personal effects.

I lost my dad last summer. He was 101; 56 when I was born. He had lung cancer and had his upper lobe taken out when he was 72. He almost made it 30 years—29½—before it got to him. But it really emphasizes some of the things you were talking about and our support of the goals and intentions of our Lung Health Action Plan.

I think we've done that through our investments in the asthma program, the Smoke-Free Ontario Strategy, the Telehomecare expansion program for COPD, My CancerIQ and other assistive devices programs. So there's a lot going on; there's a lot that we're doing. Some of the things you highlighted—there is always more to do.

I was interested in what you were saying about how Bill 41 can address radon, but how this bill can be used to coordinate activities across ministries. You talked about that and said there's more to do. Maybe with that, I'll give you my time to follow up.

Mr. Bob Wood: We have very much felt siloed in trying to bring out the radon message. The radon message has moved from us, through the lung association, to those people where we could, generally, find a way to get into their office to talk about it. I think that partnership has been really great for us to drive that message into government, but there are other areas we get a larger resistance from in getting that message out. Having a council that is created, it is an issue that we will drive easier into those other governments and other departments, and then be able to reasonably make those ap-

pointments and get those things done in different ministries to make it a priority within those.

Mr. Glenn Thibeault: Great. How much time do I have, Chair?

The Chair (Mr. Peter Tabuns): Ten seconds.

Mr. Glenn Thibeault: Thank you for your time.

Mr. Bob Wood: Thank you very much for your time.

The Chair (Mr. Peter Tabuns): Well put. Thank you very much, Mr. Wood.

ONTARIO THORACIC SOCIETY

The Chair (Mr. Peter Tabuns): Our next presenter is on the line from the Ontario Thoracic Society: George Chandy. Mr. Chandy, I'm Peter Tabuns. I'm the Chair of the committee. With us are Lorne Coe and Gila Martow from the opposition; France Gélinas from the third party; and from the government, Marie-France Lalonde, Glenn Thibeault, Vic Dhillon and Granville Anderson.

You have up to 10 minutes to present, and at the end of that time we'll go to questions. If you would introduce yourself for Hansard.

Dr. George Chandy: Hello. Thank you very much for the opportunity to present a few points here. It's an honour to have these 10 minutes. I fully recognize that the members of the committee have probably been sitting there for the last three hours listening to many people, so I'll try to make my talk, which is closer to the end of your time period, more succinct and focused on a few points.

I thought I'd first introduce myself. My name is George Chandy. I'm the chair of the Ontario Thoracic Society, which is the professional society for both adult and pediatric respirologists in Ontario. I'm an assistant professor at the University of Ottawa, focusing on pulmonary disease or lung medicine.

My clinical practice—I'm primarily what is known as a clinician teacher. My responsibilities involve taking care of patients primarily, as well as the education and mentorship of trainees, from the medical student to the subspecialty fellow level. My areas of practice primarily involve subspecialty areas in pulmonary hypertension, which is a very rare and deadly illness, as well as sleep medicine, which is also deadly but far more common, which I'll speak about again in a second. In addition, I take care of general respiratory patients.

My practice is primarily based out of Ottawa, Ontario. However, along with a colleague of mine, I help co-ordinate sleep medicine care—that's the care of patients with sleep problems such as narcolepsy, obstructive sleep apnea and insomnia—in an area of northern Ontario. We're focused out of Timmins, Ontario, but we take care of patients all the way north via Telehealth. So we take care of patients directly in Timmins with on-site visits, but through Telehealth for most of northern Ontario, outside of North Bay and Sudbury. So that's just a bit of background in terms of myself.

I just wanted to focus on three or four different points. First of all, the act that is being brought before you today,

the Lung Health Act, is very important to give due consideration to. I have to reflect upon the fact that we do invest in both lung health and medicine in Ontario reasonably well. However, there are deficits in certain areas that could be improved upon—deficits with respect to a focus on death prevention, diagnosis and treatment, as well as the coordination of care, as many of the needs of patients do not always fall under one silo, and therefore improved coordination will benefit patients and could certainly be improved upon by this act.

In terms of prevention, if we just reflect upon the factors which contribute to lung problems generally all over the world, but particularly in Ontario, these include smoke exposure, both first- and second-hand, air quality, radon exposure, and, interestingly, weight as well. Weight is the primary contributor to obstructive sleep apnea, which is a very prevalent disease.

1710

What is interesting is that it's always a tragedy when someone develops a disease, has personal and professional costs associated with this disease and may well have a death associated with the disease. But it's a double tragedy when that disease could have been prevented by factors that are within society's control. If we just reflect back, we have done very well in Canada on improving exposure to asbestos, although even now a lot more work needs to be done there. We've done very well in terms of decreasing smoking rates, although there is still work to be done. So prevention is really key in lung disease.

Secondly, diagnosis: Many lung diseases are actually underdiagnosed. These particularly include COPD and obstructive sleep apnea. It is thought that the majority of patients with these diagnoses are actually out there undiagnosed, suffering from symptoms that limit their quality of life and will eventually limit how long they live.

Thirdly, treatment: Patients with all of these diseases can have access to excellent therapies, which are already out there. Most of these therapies improve one's quality of life tremendously and may help one live longer or save a life if caught early enough.

These are the main factors I wanted to elaborate on in my conversation here, because I feel that one thing that is missing in lung health is coordinated action.

Lung health does not have the sexy appeal of certain other areas of medicine like, let's say, cancer in general or cardiac care. I feel that the Lung Health Act will help enforce a coordinated view on lung health and help well-meaning individuals working in the bureaucracy change the way patients flow through the system, and allow them to access needed care in areas that are not necessarily in one silo—for example, rehabilitation, access to assisted care in the community, etc.—as well as bring an awareness and, hopefully, funding to improve both diagnosis and prevention of these diseases.

Those were the main points I wanted to elaborate. I want to leave time for questions from the committee.

The Chair (Mr. Peter Tabuns): Thank you, Mr. Chandy. I'll go first to France Gélinas.

M^{me} France Gélinas: Thank you so much for your presentation, Dr. Chandy, and for focusing on key points.

I will go back on some of your key points, the first one being that you really put the emphasis on coordinated action on lung health. I just wanted you to drill down a little bit: Do we already have good action out there, but we need coordination, or is it because it's geographically located and not available to all? From where you see the health care system, where are we?

Dr. George Chandy: This is a difficult question to answer directly in a place like Ontario, because we're geographically very diverse, unlike smaller places like Holland, where you could give a simple answer. In Ontario, there are several issues to address.

First of all, for sure there are geographical issues. Let me give you an example. In Ottawa, where I live, if I had a patient eight years ago with a lung nodule—concern for lung cancer—what I would have done, as a lung specialist who might not take care of a lot of patients with lung cancers, is figure out a way to coordinate the care of that patient, obtain a lung biopsy, obtain referrals to specialists and filter them through the system. Today in Ottawa, what happens is that all patients with lung nodules, such as I mentioned, go into a centralized system where they're immediately triaged by a group of specialists who focus on evaluation of lung nodules. The advantage of this is that patients have access to the people they really need to see faster, they have access to tests faster. One of the advantages of such a system is that you have people with specific expertise who can sort out who really needs to be investigated or not, you have fewer unnecessary tests, and the tests that you do carry out need to be repeated less often and patients just get to the end quicker.

Let's contrast that to a patient who might cross my path when I'm in northern Ontario. That access is simply not there. So I guess the first point to make is that we clearly have an inequity of access to care across Ontario, and that is in large part geographically based. I don't want to sound naïve: When you're in a small town in an isolated part of northern Ontario, one is never going to have as good access as in downtown Toronto and Ottawa. But my point is that through coordination of this, our system could be far better for those patients.

But it's not just the coordination of care. Access to testing for those patients when they get referred is often delayed, and there are often longer waiting times than what we would consider acceptable. At the end of the day, unfortunately, health costs money and funding is important to focus upon in order to improve access to care. It's not simply an issue of coordination, and I didn't mean it to sound like it was simply that, but that's an important factor to consider in the implementation of this lung health care act.

The Chair (Mr. Peter Tabuns): I'm sorry to say that, with that we've run out of time for this questioner. We go to the government party. Mr. Thibeault.

Mr. Glenn Thibeault: Dr. Chandy, thanks again for your presentation and the information. It's very informa-

tive, I know, for all of the members sitting around this table.

There are a couple of things that I'd like your comment on. I think through the efforts of the Ontario Lung Association, many organizations are coming together to share resources, expertise and knowledge. I know that the ministry has engaged with these organizations as we've moved on a number of initiatives, but I think what you're saying is that there's always more to do. I'm looking first for some comment on that.

The second thing, as a doctor in Ottawa and the hospitals in Ottawa, maybe some further information on what you're seeing in our hospitals in respect to the types of lung disease that people are coming in with, how it affects their overall health and some of the costs associated with dealing with people who have lung disease.

I know our time is short so I'll leave it with that for your comments, sir. Thank you.

Dr. George Chandy: Sure. Can I just ask you to repeat the first question there?

Mr. Glenn Thibeault: Pardon?

Dr. George Chandy: The phone line just faded out. What was the first question there?

Mr. Glenn Thibeault: Oh, I was just talking about how the ministry has been working in conjunction with the Ontario Lung Association to come together on sharing resources, expertise and knowledge. I know you've been saying that you'd like to see some more coordinated action, so just a comment on some of that, and then the second piece as well, if we have time for that.

Dr. George Chandy: Absolutely. Firstly, you had mentioned that work is being done but more needs to be done—absolutely. Let me just illustrate that in terms of diagnosis: For example, it is estimated that 90% of patients with obstructive sleep apnea—which is a significant cause for cardiovascular complications like heart attack and stroke as well as motor vehicle accidents, as it can potentially make one sleepy when driving—are undiagnosed. Access to expert assessment as well as testing is important. A similar pattern is noted for other diseases, such as COPD.

To address your second question—and it's a very important point—what do we see in our hospitals these days? Well, the problem is that when someone has already had exposure to cigarette smoke, there are irreversible changes, as you know, for example, when one develops emphysema. The best of our medications help improve lung function a bit, help improve quality of life quite a bit more, but one can often nonetheless be left with a significant disability, which leads to increased hospitalization. So we end up seeing, as time is progressing—even in my very brief career—a bigger and bigger cohort of sicker and sicker patients who often need more assistance in the communities. And this is not just in lung medicine, of course; it's in other areas of medicine as well. We see—

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The Chair (Mr. Peter Tabuns): I'm sorry to say that with that, we've come to the end of your time with this questioner. We go to the official opposition: Mr. Coe.

Mr. Lorne Coe: Thank you, sir, for your commentary and narrative thus far. My question centres on the provincial action plan, which is part of the legislation, as you know. I'd be interested in your comments about what components you think should form the evaluative section of that plan.

Dr. George Chandy: By evaluative, do you mean diagnostic assessment of patients?

Mr. Lorne Coe: I didn't quite hear you; I'm sorry.

Dr. George Chandy: By evaluative, did you mean for diagnosis of patients?

Mr. Lorne Coe: Yes.

Dr. George Chandy: Very good. You can't treat the disease, obviously, until you've diagnosed it. Most of the diseases I've discussed have very cheap diagnostic methods. The problem is that these methods are available in abundance in big cities, but they're not in smaller communities. This needs to be improved upon.

Ironically, unfortunately, smoking rates are often even higher in these cities as well. So the burden of disease is greater, and we just do not have access as one would in Toronto or Ottawa.

Mr. Lorne Coe: Thank you for your answer.

Chair, to my colleague, please. Thank you.

The Chair (Mr. Peter Tabuns): Ms. Martow.

Mrs. Gila Martow: Hi. I just want to repeat what you said: "Health costs money." I think that's kind of the challenge that we see here. We have new treatments all the time and patients live longer and all of that eats up valuable health care dollars, so it's so important that we prioritize those health care dollars.

Do you have any comments on how to better prioritize health care spending in terms of greater health for lung patients?

Dr. George Chandy: That's a very good question. I mean, this is almost the main question in our era right now. What I would say is that prevention is the best place where we can put our dollars. However, when we have sick people—the patients I see in clinic already have disease. We need to have the ability to diagnose them and treat them with modern therapies. Often, one can do this most appropriately, most effectively and for the least cost if such care is coordinated in a system where people are relatively specialized in taking care of that area, or if a community has a specialized plan for taking care of those patients—a system in which tests are not duplicated.

Ultimately, it is true that medications and treatments cost money, but this, in my view, should be a focus for a society that has a willingness and interest in taking care of those of us who have the greatest need.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say that we've run out of time. Thank you very much for your presentation today and answering questions.

CAMBRIDGE MEMORIAL HOSPITAL

The Chair (Mr. Peter Tabuns): We'll go on to our next witness. From Cambridge Memorial Hospital:

Loretta McCormick. Ms. McCormick, thank you for your patience. As you're well aware, it would be very useful if you'd introduce yourself for Hansard. You have up to 10 minutes and then we'll go to questions.

Ms. Loretta McCormick: Great. Thank you. Chair, Vice-Chair, committee members, Clerk, thank you for providing me time to give a deputation today on the matter of Bill 41, Lung Health Act.

My name is Loretta McCormick and I'm a primary health care nurse practitioner and a doctoral student at University of Western Ontario. I work in a specialized, hospital-based outpatient clinic at Cambridge Memorial Hospital with individuals with COPD. I work with respirologists Dr. Christine Macie, Dr. George Mathai and Dr. Ali Rashad.

I support Bill 41 because of its passion for helping Ontarians with lung health concerns specifically related to individuals similar to the ones I see every day in clinic.

In 1994, Dr. Barry Make wrote that collaborative self-management as a framework for the delivery of care to individuals with respiratory illness would require four components. These four components are provider and patient partnership, mutual goals, instruction and monitoring.

Dr. Make's components have become the foundation of my doctoral work in COPD. Each day in clinic, I see patients for consultation to partner and develop goals, provide education and monitor their progress. I teach patients about the mechanics of respiration. I show patients their breathing test results and sometimes review through drawings what that means. I explain the trajectory of the illness and how that path can be altered through lifestyle choices, medications and awareness. I explain the medications and demonstrate their use. I applaud the efforts of my patients to adopt self-management strategies and encourage patients to continue.

I ask patients if this information is helpful and I ask them what their goal of care is. One person might tell me that they would like to be able to go shopping again with their daughter, ride a bicycle with a grandson, travel to see family, return to work, cover the cost of medication or simply ride a bus. I arrange transit, accessible parking permits, and compassionate-grounds medication coverage, refer patients to specialists and kinesiology colleagues, and educate, educate, educate.

I have learned that COPD is a complex respiratory disease that looks like so many other things. COPD can be mixed up with heart failure, cancer, anemia and advancing age. COPD also has comorbid illnesses, including depression and osteoporosis, to name two.

When patients come to see me for the first time, they bring their medications, including all of their inhalers, to clinic. Some bring prescriptions that have not been filled; others bring medications—many medications. They describe how they don't know how to use the medication or how the medication works, and either do not take them or, in some cases, take whichever inhaler they happen to reach for when they're breathless. Patients do want to self-manage. They just need the tools to support them.

Each patient is an individual with a story and each patient wants to not be breathless.

Bill 41 sets the stage for a much-needed structure on which to build a coordinated approach to the delivery of care for individuals with COPD. COPD is debilitating and insidious. It is a thief. It robs individuals of function, slowly limits their social activity and, in doing so, reduces their quality of life. COPD increases their dependence on others and affects their self-concept.

Hospitals are in the acute care business but also, and simultaneously in fact, hospitals are in the chronic care business. Chronic conditions flare and require emergent medical care and, as we've heard, COPD ranks top in hospitalization and readmission rates. Literature supports how many times COPD is actually diagnosed in the emergency department or ICU when the individual patient presents in acute distress. Bedside hospital nurses provide education, support, reassurance and health care.

Bill 41 provides for a top-down and bottom-up approach to the delivery of health care for individuals with lung health issues through educating the professionals providing the care. Bill 41 has many strengths. It aligns nicely with the National Lung Health Framework. It contains encouraging recommendations such as 5(c) and 5(d), the facilitation of training and professional development for health care professionals, and improved access to maintenance services for individuals.

I find this particularly helpful to my work with my hospital colleagues. I will host educational formats for hospital staff, open houses on World COPD Day, and lunch-and-learn sessions. I also host students from family practice and nurse practitioner programs, internationally educated nurses, registered nurses, and registered practical nurse programs.

I started my doctoral journey because I wanted to know how individuals with COPD understand the concept of partnership and I wanted to know who was educating the educators. I was naive enough to think I had an original thought: co-management and real partnership. Individuals with lung disease need co-managed care from educated, specialized care providers. The need is for education: Educate the patient and educate the provider to provide this co-managed care.

I support Bill 41 because it provides for the establishment of an advisory council to make recommendations. I love what I do, but I do see the human and economic burden of COPD and I know that Bill 41 is a very important first step to helping Ontarians living with lung disease. Thank you.

The Chair (Mr. Peter Tabuns): Thank you very much. Our first question goes to the government: Ms. McGarry.

1730

Mrs. Kathryn McGarry: Thank you very much, Loretta, for coming in. It was an absolute pleasure to have somebody here from my home riding of Cambridge in an institution I spent many years as a critical care nurse in, and that included a lot of time spent with Drs. Macie and Mathai. So I very much appreciate you

coming in. I had the opportunity of actually touring the COPD clinic fairly recently. I really appreciate the support.

Can you talk more about the clinic in terms of assisting in diagnosing, which is key, prevention, delaying worsening COPD symptoms and how you educate your patients?

Ms. Loretta McCormick: The COPD clinic is me and three respirologists who work with me closely, who also do ICU coverage and sleep study coverage. What happens in the COPD clinic is that as a nurse practitioner, I can order tests, I can write prescriptions and I can refer to specialists. So I can cover them on that kind of scale. I sometimes get patients referred by family physicians for optimum COPD education and management, and I sometimes get patients from the emergency room. I've changed the referral basis from the emergency room so that they can be referred directly to me if they come in with a COPD exacerbation, because I think that's a really great idea.

I keep patients for a little while. Sometimes I'll keep them for two years, where they come back and see me. It's the monitoring that's so important. You cannot teach everything all at once, so what I try to do is teach as I can and offer support as I can.

If patients are struggling at home, they call me. If they need to come in to see me, they come in to see me. I tell them sometimes to get their picture taken on the way in—and I'm referring to a chest X-ray—so I can see if they have pneumonia or something else going on.

It's a very approachable type of clinic. I go out to see patients who are on the wards in the hospital. I will meet them so that they're not afraid to come down and meet me when they get referred, because you never know. I think that's extremely helpful.

We have a patient-centred approach in everything we do. We ask patients if they're okay with what we're doing or what they can do for us or with us. So it's very patient-centred.

Mrs. Kathryn McGarry: In terms of the collaborative self-management program, that's music to my ears, because I think that's really what it's all about. Can you expand on that?

Ms. Loretta McCormick: It's funny, because collaborative self-management seems to be a rather simple concept, but it's a bit of a struggle because people have to—

The Chair (Mr. Peter Tabuns): I'm sorry to say, but you're out of time. I'm going to go to the next questioner: Ms. Martow.

Mrs. Gila Martow: Thank you. It's Loretta, right?

Ms. Loretta McCormick: Yes.

Mrs. Gila Martow: Like Loretta Lynn. I love that movie, *Coal Miner's Daughter*.

I wanted to bring up, because I think we're all in agreement—it's such an easy committee, this, because basically everybody is in agreement, just with different perspectives. Everybody is in a very collaborative spirit

in terms of all the different specialties and advocacy groups and politicians.

What I wanted to mention is this: Do you ever feel frustrated about a lack of coordination between hospitals or between different regions? One of your patients will be up at a cottage somewhere, have a crisis and go to the hospital there and not be able to access the information that they need, sometimes, from your hospital. Has that been a problem?

Ms. Loretta McCormick: I haven't come across that on that level. A lot of times, what may happen is, if my patients are going up north, I may prepare them for what to do, what could happen if something were to happen.

A lot of patients want to be able to manage without having to go to the emergency department. There isn't a lot of evidence to support things like action plans and medications that they'll take, so I don't generally do that. But a lot of times, patients who aren't smoking anymore, who are taking their medications right, who are moving around a little bit—the evidence to have exacerbations is a little bit lower for those folks, so that has been kind of helpful. And if they do, when they come back to see me in the follow-up they'll generally tell me if they've had an exacerbation and they've been treated with antibiotics and prednisone. There hasn't been a lot of that so far.

Mrs. Gila Martow: That's what I would like to see: better coordination between all the regions and the hospitals, because I think there are a lot of wasted health care dollars when people—not necessarily with lung health challenges—go to one emergency room and then, because of where they're travelling for work or vacation or whatever, all of a sudden they have to have all of the tests repeated because it's impossible to get access to that kind of thing.

The other thing, if I have another second or two to mention it, is that it's not all about medication. I think a lot of us understand that there are now all kinds of treatments—even vibrating chairs and things like that—to help if people have mucus that's there, and exercises; it could just mean lifting your arms. Now we understand that the worst thing is not to move.

Ms. Loretta McCormick: Yes. Speaking about that earlier question, there was an occasion when a physician called from the emergency department of a Toronto-based hospital and was telling me what they were going to do with the patient and then sending the patient back. That was kind of helpful. My patient told the physician that maybe letting Loretta know might be helpful.

Mrs. Gila Martow: So the patients have your cell?

Ms. Loretta McCormick: No, my office number on my card, and my email.

Mrs. Gila Martow: Oh, okay. Excellent.

The Chair (Mr. Peter Tabuns): And with that, I'm sorry to say that we're out of time.

Mrs. Gila Martow: Thank you. Perfect timing.

The Chair (Mr. Peter Tabuns): We go to Madame Gélinas.

M^{me} France Gélinas: This is wonderful. Your hospital managed to get enough resources to have an

outpatient clinic specifically for COPD, and hired you through hospital funding?

Ms. Loretta McCormick: Yes.

M^{me} France Gélinas: Wow. We need more of you in the 154 hospitals throughout our province.

Ms. Loretta McCormick: That's what they tell me.

M^{me} France Gélinas: My question number two is, do you have pulmonary rehab in Cambridge?

Ms. Loretta McCormick: When I first started there, I had this lovely gym at the end of the hall, and had a kinesiologist. I would refer my patients there, and she would do a six-minute walk test, which was an evaluation metric. That was wonderful.

Then I understood that there were some changes going on, so I partnered with the community. I found a kinesiologist in the community and partnered with her. I said, "Could I get the same form of support?" There's a small cost involved for the people whom I send there. It's not a disclosure confidentiality-wise, so we've covered all of that, and patients will still get their rehab, but they get it off-site. So far, that has worked out very well. If there's anything that comes up, the patients let me know as well.

The other thing that I've found in what I do is that I agree with Ms. Martow: Just moving is a good idea. So I send my patients to the mall before the stores open. I have a one-pound weight on my table. Just for fun, I get them to be doing that while we're talking, just to give an idea of what small pieces of things we can do. We talk about rehabilitation studies that say that the body in motion tends to stay in motion, so we do a lot of those kinds of things.

M^{me} France Gélinas: But you don't become their primary care provider. They have to have primary care.

What do you do if they don't have a primary care provider?

Ms. Loretta McCormick: Cambridge has a city hall, I understand, that sends people notes on which physicians are taking patients—

M^{me} France Gélinas: There's no shortage of primary care physicians in your area?

Ms. Loretta McCormick: Yes. And there's a nurse practitioner clinic.

M^{me} France Gélinas: So you would never run into a position where you need to prescribe drugs that are not what you're allowed to prescribe, simply because everybody has a primary care provider?

Ms. Loretta McCormick: Yes. That's kind of helpful, plus it gives you someone to partner with as well. I can call up the primary care provider and say, "I was thinking about this. What do you think about this?" There was a presenter earlier who talked about all of the other little things that can creep up and flare up to COPD.

M^{me} France Gélinas: Has paying for pulmonary rehab been an issue for any of the clients that you've dealt with?

Ms. Loretta McCormick: Not so far, because I compare it to parking charges. Parking there is free.

M^{me} France Gélinas: It's cheaper to go there because they don't have to pay parking?

The Chair (Mr. Peter Tabuns): With that, we've run out of time. Ms. McCormick, thank you very much for coming and presenting today.

Ms. Loretta McCormick: Thank you.

The Chair (Mr. Peter Tabuns): Members of the committee, thank you for your diligent approach and your co-operative nature. The committee stands adjourned.

The committee adjourned at 1740.

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